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June 1, 2000



**Rebecca McDowell Cook
Secretary of State**

**MISSOURI
REGISTER**

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MISSOURI



REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

**ORDER TERMINATING EMERGENCY
AMENDMENT**

By the authority vested in the Division of Medical Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994, the division hereby terminates an emergency amendment effective May 4, 2000, as follows:

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology is terminated.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2938-2939). This emergency amendment was superseded by Final Order of Rulemaking 13 CSR 70-15.010(3) and (18) which became effective April 30, 2000.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

EMERGENCY AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending sections (15), (18), and (21).

PURPOSE: The amendment to section (15) provides for using a base year cost report that is the most representative of costs for safety net hospitals, the amendment to section (18) adjusts the percent of uninsured costs paid for SFY 2000 and the amendment to section (21) provides for an add-on payment to all teaching hospitals for graduate medical education.

EMERGENCY STATEMENT: The Balanced Budget Act of 1997 and the Terms and Conditions of the Medicaid Section 1115 Health Care Reform Demonstration Project placed a limit on Federal Financial Participation made to Missouri for disproportionate share payments by establishing allotments for federal fiscal years (FFY) 1998 through 2002 and FFY 2003 and thereafter. In addition, for state fiscal year 2000 there are costs for Graduate Medical Education in Missouri's hospitals that are uncompensated. The Division of Medical Services finds that this emergency amendment is necessary, to preserve a compelling governmental interest requiring an early effective date in that the emergency amendment makes adjustments to the uninsured add-on payments for state fiscal year 2000 to ensure access to hospital services for indigent and Medicaid recipients at hospitals which have relied on disproportionate share payments in meeting those needs and to ensure adequate facilities for training doctors so there is access to hospital services for indigent and Medicaid recipients. The Division of Medical Services also finds an immediate danger to public health and welfare which requires emergency action. If this emergency amendment is not enacted it will cause significant cash flow shortages and financial strain on all hospitals who serve the more than 600,000 Medicaid recipients and uninsured and those hospitals that are involved in the training of doctors. This will, in turn, result in an adverse impact on the health and welfare of those in need of medical care and treatment. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and *United States Constitutions*. Therefore, the division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency amendment filed May 1, 2000 effective May 11, 2000, expires November 6, 2000.

(15) Direct Medicaid Payments.

(B) Direct Medicaid payment will be computed as follows:

1. The Medicaid share of the FRA assessment will be calculated by dividing the hospital's Medicaid patient days by total hospital's patient days to arrive at the Medicaid utilization percentage. This percentage is then multiplied by the FRA assessment for the current SFY to arrive at the increased allowable Medicaid costs;

2. The unreimbursed Medicaid costs are determined by subtracting the hospital's per-diem rate from its trended per-diem costs. The difference is multiplied by the estimated Medicaid patient days for the current SFY.

A. The trended cost per day is calculated by trending the base year operating costs per day by the trend indices listed in paragraph (3)(B)1., using the rate calculation in subsection (3)(A).

B. For hospitals that meet the requirements in paragraphs (6)(A)1., (6)(A)2. and (6)(A)4. of this rule (safety net hospitals), the base year cost report may be from the second prior year, the third prior year, or the fourth prior year, based on the determination of the Division of Medical Services exercising its sole discretion as to which report is most representative of costs incurred. For hospitals that meet the requirements in paragraphs (6)(A)1. and (6)(A)3. of this rule (first tier

Disproportionate Share Hospitals), the base year operating costs shall be based on the third prior year cost report. For all other hospitals, the base year operating costs are based on the fourth prior year cost report.

/B/ C. The trended cost per day does not include the costs associated with the FRA assessment, the application of minimum utilization, the utilization adjustment and the poison control costs computed in paragraphs (15)(B)1., 3., 4., and 5.;

3. The minimum utilization costs for capital and medical education is calculated by determining the difference in the hospital's cost per day when applying the minimum utilization as identified in paragraph (5)(C)4., and without applying the minimum utilization. The difference in the cost per day is multiplied by the estimated Medicaid patient days for the SFY;

4. The utilization adjustment cost is determined by estimating the number of Medicaid inpatient days the hospital will not provide as a result of the MC+ Health Plans limiting inpatient hospital services. These days are multiplied by the hospital's cost per day to determine the total cost associated with these days. This cost is divided by the remaining total patient days from its base period cost report to arrive at the increased cost per day. This increased cost per day is multiplied by the estimated Medicaid days for the current SFY to arrive at the Medicaid utilization adjustment; and

5. The poison control cost shall reimburse the hospital for the prorated Medicaid managed care cost. It will be calculated by multiplying the estimated Medicaid share of the poison control costs by the percentage of MC+ recipients to total Medicaid recipients.

(18) In accordance with state and federal laws regarding reimbursement of unreimbursed costs and the costs of services provided to uninsured patients, reimbursement for each State Fiscal Year (SFY) (July 1–June 30) shall be determined as follows:

(B) Uninsured Add-Ons. The hospital shall receive *[e]ighty-one percent (81%)* **eighty-four percent (84%)** of the Uninsured costs prorated over the SFY. Hospitals which contribute through a plan approved by the director of health to support the state's poison control center and the Primary Care Resource Initiative for Missouri (PRIMO) shall receive *[e]ighty-two percent (82%)* **eighty-five percent (85%)** of its uninsured costs prorated over the SFY. The uninsured Add-On will include:

1. The Add-On payment for the cost of the Uninsured. This is determined by multiplying the charges for charity care and allowable bad debts by the hospital's total cost-to-charge ratio for allowable hospital services from the base year cost report's desk review. The cost of the Uninsured is then trended to the current year using the trend indices reported in subsection (3)(B). Allowable bad debts do not include the costs of caring for patients whose insurance covers the particular service, procedure or treatment;

2. An adjustment to recognize the Uninsured patients share of the FRA assessment not included in the desk-reviewed cost. The FRA assessment for Uninsured patients is determined by multiplying the current FRA assessment by the ratio of uninsured days to total inpatient days from the base year cost report;

3. The difference in the projected General Relief per-diem payments and trended costs for General Relief patient days;

4. The increased costs per day resulting from the utilization adjustment in subsection (15)(B) is multiplied by the estimated uninsured days; and

5. In order to maintain compliance with the Balanced Budget Act of 1997 (BBA) DSH cap and the budget neutrality provisions contained in Missouri's Medicaid Section 1115 Health Care Reform Demonstration Proposal, the Uninsured Add-On for SFY 2000 has been established at *[e]ighty-two percent (82%)* **eighty-five percent (85%)** of the cost of the uninsured as computed in accordance with this subsection. *[One factor in determination of the payment percentage is an estimate that fifty-four (\$54) million dollars shall be paid from July 1, 1999*

thru April 30, 2000 related to previously uninsured parents covered under the Medicaid Section 1115 Health Care Reform Demonstration Proposal. The SFY 2000 payment percentage shall be increased by an additional one percent (1%) for every three point five (\$3.5) million dollars increment not paid for parents covered under the Medicaid Section 1115 Health Care Reform Demonstration Proposal as of April 30, 2000. For example, if total spending on the Medicaid Section 1115 Health Care Reform Demonstration Proposal parent population is forty-seven (\$47) million dollars, as of April 30, 2000, the Uninsured Add-On percentage from SFY 2000 shall be increased by two percent (2%).]

(21) Enhanced Graduate Medical Education (GME) Payment—An enhanced GME payment shall be made to *[an]* any acute care hospital that provides graduate medical education (teaching hospital) *[if the hospital is a children's hospital or is a safety net hospital. A safety net hospital for purposes of this section is a hospital that has an unsponsored care ratio of at least sixty-five percent (65%) or the hospital is owned or operated by the Board of Curators as defined in Chapter 172, RSMo and the Missouri Rehabilitation Center created by Chapter 199, RSMo or their successors].*

(A) The enhanced GME payment shall be *[fifty percent (50%) of the teaching hospital's remaining unreimbursed aggregate approved amount for direct GME.]* computed in accordance with subsection (21)(B). The payment shall be made at the end of the state fiscal year. The enhanced GME payment for each state fiscal year shall be computed using the most recent cost data *[available from the Medicare cost report]* available when the enhanced GME payment is computed. If the cost report is less than or more than a twelve (12)-month period, the cost report data will be adjusted to reflect a twelve (12)-month period. **The state share of the enhanced GME payment to a hospital that has cash subsidies shall come from funds certified by the hospital.**

(B) *[The remaining unreimbursed aggregated approved amount for direct GME shall be calculated by subtracting the current state fiscal year Medicare and Medicaid GME payments based on the Medicare methodology on worksheet E-3 Part IV from the Medicare cost report (HCFA 2552-96), the provisions of which are incorporated by reference and made part of this rule, from the total unreimbursed approved amount from direct GME. The Medicaid GME payments will include both non-managed care and managed care payments from the hospital's base year cost report trended forward.]* The enhanced GME payment will be computed by first determining the percentage difference between the McGraw-Hill CPI index for hospital services and Medicare update factors applied to the per resident amounts from 1986 to the most recent SFY. For example, the percentage difference has been computed to be eighty-five and sixty-two-one-hundredth percent (85.62%) for SFY 2000. The percentage difference is then multiplied by the Medicaid share of the aggregate approved amount reported on worksheet E-3 part IV of the Medicare cost report (HCFA 2552-96) for the fourth prior fiscal year and trended to the current state fiscal year. The resulting product is the enhanced GME payment.

AUTHORITY: sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed May 1, 2000, effective May 11, 2000, expires Nov. 6, 2000. A proposed rule covering some of this material is published in this issue of the *Missouri Register*.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

(Bracketed text indicates matter being deleted.)

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.110 General Prohibitions; Applications. The department proposes to amend section (1).

PURPOSE: *This amendment clarifies the types of animals that are covered by this rule.*

(1) No bird, fish, **amphibian, reptile**, mammal or other form of wildlife, including their homes, dens, nests and eggs in Missouri shall be molested, pursued, taken, hunted, trapped, tagged,

marked, enticed, poisoned, killed, transported, stored, served, bought, sold, given away, accepted, possessed, propagated, imported, exported or liberated to the wild in any manner, number, part, parcel or quantity, at any time, except as specifically permitted by these rules and any laws consistent with Article IV, sections 40–46 of the *Constitution of Missouri*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.113 Ginseng. The department proposes to amend sections (1) and (2).

PURPOSE: *This amendment mandates ginseng harvest practices and clarifies inclusive dates.*

(1) Wild ginseng (*Panax quinquefolium*) may be harvested from September 1 through December 31. Wild ginseng plants or roots harvested must possess three (3) or more true leaves (prongs) or flowering/fruiting stalks. The entire stalk, minus the mature fruits, shall be kept with the plants until they are taken to the harvester's home or place of business. When harvesting wild ginseng, harvester shall plant all seeds from harvested plants within one hundred feet (100') of the parent plants. Plants or roots of ginseng taken in Missouri, or acquired from outside the state, may be purchased, sold, transported or exported only from September 1 *[to] through* March 15; provided, certified roots may be possessed, purchased, sold, transported or exported throughout the year in accordance with this rule.

(2) Wild and cultivated Missouri ginseng plants or roots exported from the state must be accompanied by a numbered certificate of origin on forms provided by the department. Roots may be imported from other states, territories or countries only with appropriate certification of origin. Uncertified roots that have been received from outside the state must be returned to that state for certification within thirty (30) days of receipt. Uncertified Missouri roots may be possessed only from September 1 *[to] through* March 15.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 29, 1983, effective Jan. 1, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.115 Special Regulations for Department Areas.
The department proposes to amend provisions of this rule.

PURPOSE: This amendment sets public use hours for August A. Busch Memorial Conservation Area, removes the prohibition of pets on Conservation Commission Headquarters, opens Ronald and Maude Hartell Conservation Area to public use, removes Swiftwater Bend from the list of conservation areas where hunting is prohibited and clarifies inclusive dates for season.

(1) The special regulations in this rule apply on all lands and waters (referred to as areas) owned, leased or managed under formal cooperative agreement by the Department of Conservation. The director may issue temporary written exceptions to provisions of this rule for emergency or special events and for other compatible uses.

(B) Closed Hours. All areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this rule. Parking or storage of watercraft and commercial vehicles is prohibited during the closed hours.

1. On Blind Pony Lake Conservation Area, Little Dixie Lake Conservation Area and Riverwoods Conservation Area, all public use is prohibited from 10:00 p.m. to 4:00 a.m. daily.

2. **On August A. Busch Memorial Wildlife Area, all public use is prohibited from 10:00 p.m. to 6:00 a.m. daily.**

/2./ 3. On Donaldson Point Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat only, when the Mississippi River water level is at or above thirty-four feet (34') on the New Madrid gauge.

/3./ 4. On Seven Island Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat only, when the Mississippi River water level is at or above forty-three feet (43') on the Cairo gauge.

/4./ 5. On Hornersville Swamp Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat only, when the water level is at or above two hundred thirty-nine feet (239') on the Hornersville gauge.

/5./ 6. On /August A. Busch Memorial Conservation Area, Columbia Bottom Conservation Area, Ronald and Maude Hartell Conservation Area and James A. Reed Memorial Wildlife Area, all public use is prohibited from 10:00 p.m. to 6:00 a.m. daily from April 1 to September 30, and from 7:00 p.m. to 6:00 a.m. daily from October 1 to March 31, except for authorized hunting and fishing activities or as otherwise provided.

/6./ 7. On Bellefontaine Conservation Area, Conservation Commission Headquarters, Powder Valley Conservation Nature Center and Runge Conservation Nature Center, all public use is prohibited from 8:00 p.m. to 6:00 a.m. daily from April 1 /to/ through October 31, and from 6:00 p.m. to 6:00 a.m. daily from November /to/ through March 31, except as otherwise provided.

/7./ 8. On Springfield Conservation Nature Center, all public use is prohibited from 9:00 p.m. to 6:00 a.m. daily from March 1 /to/ through October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 /to/ through February 28, except that specifically authorized meetings, programs and special events are permitted at any time on the area.

/8./ 9. On Rockwoods Range and Rockwoods Reservation, all public use is prohibited from one-half (1/2) hour after sunset to sunrise daily.

(D) Pets, Dogs and Field Trials. Pets are permitted but must be on a leash or confined at all times, except that dogs may be used for hunting and training for the purposes of locating, tracking or retrieving game as defined by the Wildlife Code, on areas where and when hunting and dog training are permitted. Field and retriever trials are permitted only with a special use permit.

1. On Thomas S. Baskett Wildlife Research and Education Center, Bellefontaine Conservation Area, Burr Oak Woods Conservation Area, /Conservation Commission Headquarters, Engelmann Woods Natural Area, Powder Valley Conservation Nature Center, Rockwoods Reservation, Runge Conservation Nature Center and Springfield Conservation Nature Center, all pets are prohibited.

2. On Duck Creek Conservation Area, dog training is permitted only by holders of a valid area dog training permit during dates and hours established for this activity.

(L) Use of Boats and Motors. Boats, including sailboats, may be used on waters designated as open to boats, except as further restricted in this rule. Boats may not be left unattended overnight. Houseboats are prohibited. Registration and a fee are required for rental of department-owned boats. Fees must be paid prior to use.

1. Except as otherwise provided, only electric motors are permitted on impoundments of less than seventy (70) acres. Electric motors and outboard motors are permitted on impoundments of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except that only electric motors are permitted on Robert G. DeLaney Lake Conservation Area. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(L)5.

2. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.

3. On Bellefontaine Conservation Area, Hunnewell Lake Conservation Area and Weldon Spring Conservation Area, use of privately-owned boats is prohibited on impounded waters.

4. On waters managed under cooperative agreements with other governmental entities, only electric motors are permitted; except that on Confederate Memorial State Park Lakes boats are prohibited; and only outboard motors not in excess of ten (10) horsepower may be used on Agate Lake, Wakonda State Park Lake and Watkins Mill State Park Lake. Outboard motors in excess of ten (10) horsepower may be used on Council Bluff Lake but must be operated at slow, no-wake speed.

5. On Thomas Hill Reservoir, sailboarding, scuba diving and water skiing are permitted, except water skiing is prohibited north of Highway T on the Stinking Creek Arm of the lake and on the warm water arm of the lake upstream from the marker buoys. All boating is prohibited on the main arm of the lake above Highway T from October 15 through January 15. Where boating is permitted, no horsepower restrictions apply. Boats may be left unattended overnight.

(O) Hunting. Hunting, under statewide seasons, methods and limits, is permitted except as further restricted in this rule.

1. Hunting may be further restricted on designated portions of areas which include, but are not limited to, refuges, wildlife sanctuaries, shooting ranges, residences, work areas, campgrounds and other public use or service areas.

2. Firearms may not be used to take bullfrogs and green frogs.

3. Hunting is prohibited on all public fishing access areas less than forty (40) acres in size.

4. Hunting is prohibited on the following conservation areas:

- A. Allred Lake Natural Area
- B. Austin Community Lake
- C. Louis H. Bangert Memorial Wildlife Area
- D. Thomas S. Baskett Wildlife Research and Education

Center

- E. Bellefontaine
- F. Binder Community Lake
- G. Bird's Blue Hole
- H. Bittern Bottoms

I. Robert L. Blattner

J. Marguerite Bray

K. Caldwell Memorial Wildlife Area

/J./ L. Camdenton Office

/K./ M. Caruthersville Rookery

/L./ N. Climax Springs Towersite

/M./ O. Conservation Commission Headquarters

/N./ P. Robert G. DeLaney Lake

/O./ Q. Doniphan Towersite

/P./ R. Drovers Prairie

/Q./ S. Engelmann Woods Natural Area

/R./ T. Eugene Towersite

/S./ U. Ella Ewing Lake

/T./ V. Foxglove

/U./ W. Friendly Prairie

/V./ X. Gay Feather Prairie

/W./ Y. Gravois Mills Access

Z. Ronald and Maude Hartell

/X./ AA. James R. Harter

/Y./ BB. Ruth and Paul Henning

/Z./ CC. Hinkson Woods

/AA./ DD. Hunkah Prairie

/BB./ EE. Hurricane Deck Towersite

/CC./ FF. Joplin Towersite

/DD./ GG. LaPetite Gemme Prairie

/EE./ HH. Lebanon Towersite

/FF./ II. Lichen Glade

/GG./ JJ. Limpp Community Lake

/HH./ KK. Little Osage Prairie

/II./ LL. Lower Taum Sauk Lake

/JJ./ MM. Maple Flats Access

/KK./ NN. Miller Community Lake

/LL./ OO. Mint Spring

/MM./ PP. Mo-Ko Prairie

/NN./ QQ. Mount Vernon Prairie

/OO./ RR. Niawathe Prairie

/PP./ SS. Pawhuska Prairie

/QQ./ TT. Perry County Community Lake

/RR./ UU. Pickle Springs Natural Area

/SS./ VV. Plad Towersite

/TT./ WW. Port Hudson Lake

/UU./ XX. Powder Valley Conservation Nature Center

/VV./ YY. Redman

/WW./ ZZ. Sterling Price Community Lake

/XX./ AAA. Ray County Community Lake

/YY./ BBB. Riverwoods

/ZZ./ CCC. Rockwoods Reservation

/AAA./ DDD. F. O. and Leda J. Sears Memorial Wildlife

Area

/BBB./ EEE. Shawnee Mac Lakes

/CCC./ FFF. Sims Valley Community Lake

/DDD./ GGG. Springfield Conservation Nature Center

/EEE./ HHH. Julian Steyermark Woods

/FFF. Swiftwater Bend

/GGG./ III. Thirtyfour Corner Blue Hole

/HHH./ JJJ. Tri-City Community Lake

/III./ KKK. Tywappity Community Lake

/JJJ./ LLL. Tzi-Sho Prairie

/KKK./ MMM. Ulman Towersite

/LLL./ NNN. Upper Mississippi Conservation Area
(Clarksville Refuge)

[MMM./ OOO. Vandalia Community Lake

[NNN./ PPP. Wah-Kon-Tah Prairie (only on portion owned
by the Nature Conservancy)

[OOO./ QQQ. Wah-Sha-She Prairie

/PPP./ RRR. Warrenton Towersite

/QQQ./ SSS. Wildcat Glade Natural Area

/RRR./ TTT. Walter Woods

/SSS./ UUU. Mark Youngdahl Urban

5. Firearms firing single projectiles are prohibited on the following conservation areas:

A. Beaver Creek

B. Bennett Spring Access

C. Bois D'Arc

D. Branch Towersite

E. Brickley Hollow Access

F. Catawissa

G. West Central Regional Office (Golden Valley
Archery Range)

/G./ H. Charity Access

/H./ I. Crooked Creek

/I./ J. Diamond Grove Prairie

/J./ K. Dorris Creek Prairie

/K./ L. Dorsett Hill Prairie

/L./ M. Arthur Dupree Memorial

/M./ N. Eagle Bluffs

/N./ O. Peter A. Eck

/O./ P. Earthquake Hollow

Q. Ferguson-Herold

/P./ R. Larry R. Gale Access

/Q./ S. Grand Bluffs

/R./ T. Horse Creek Prairie

/S./ U. Anthony and Beatrice Kendzora

/T./ V. Little Bean Marsh

/U./ W. Little Dixie Lake

/V./ X. Little Prairie

/W./ Y. Little River

/X./ Z. Caroline Sheridan Logan Memorial Wildlife Area

/Y./ AA. Lone Jack Lake

/Z./ BB. Lost Valley Fish Hatchery

/AA./ CC. Alice Ahart Mansfield Memorial

DD. Marais Temps Clair

/BB./ EE. Mo-No-I Prairie

/CC./ FF. Mon-Shon Prairie

/DD./ GG. Pacific Palisades

/EE./ HH. Guy B. Park

/FF./ II. Reform

/GG./ JJ. Rocky Barrens

/HH./ KK. Dr. O.E. and Eloise Sloan

/II./ LL. Sunbridge Hills

/JJ./ MM. Tipton Ford Access

/KK./ NN. Treaty Line Prairie

/LL./ OO. Valley View Glades Natural Area

/MM./ PP. Archie and Gracie VanDerhoef Memorial State

Forest

/NN./ QQ. Victoria Glades

/OO./ RR. Vonaventure Memorial Forest and Wildlife

Area

[PP.] SS. George O. White State Forest Nursery

[QQ.] TT. White River Trace

[RR.] UU. Young

6. On August A. Busch Memorial Conservation Area, Platte Falls Conservation Area, James A. Reed Memorial Wildlife Area, Saint Stanislaus Conservation Area and Weldon Spring Conservation Area, firearms firing single projectiles are prohibited, except during special deer hunts, and except that raccoons may be taken with a twenty-two (.22) caliber firearm on the August A. Busch Memorial Conservation Area, Platte Falls Conservation Area and Weldon Spring Conservation Area when treed with the aid of dogs.

7. Firearms hunting is prohibited on Boston Ferry Conservation Area, Jamesport Community Lake, J. Thad Ray Memorial Wildlife Area, Lon Sanders Canyon Conservation Area and Henry J. Waters II and C.B. Moss Memorial Wildlife Area.

8. Deer hunting with firearms and muzzleloading firearms is prohibited on the following conservation areas:

A. Wilbur Allen Memorial

B. Blind Pony Lake

C. Bois D'Arc

D. Coon Island

E. Corkwood

F. Cuivre Island (mainland portion)

G. Duck Creek (south of Highway Z)

[H. Ferguson-Herold]

[I.] H. Nannie B. Floyd Memorial

[J.] I. Fountain Grove

[K.] J. Four Rivers (north of Little Osage River)

[L.] K. Grand Pass

[M.] L. Hite Prairie

[N.] M. Hornersville Swamp

[O.] N. Indigo Prairie

[P.] O. Lake Girardeau

[Q.] P. B. K. Leach Memorial

[R.] Q. Lost Valley Fish Hatchery

[S.] R. Mingo National Wildlife Refuge (Pool 8)

[T.] S. Monegaw Prairie

[U.] T. Montrose

[V.] U. Mound View Access

[W.] V. Old Town Access

[X.] W. Otter Slough

[Y.] X. Prairie Slough

[Z.] Y. Redwing Prairie

[AA.] Z. Shell-Osage

[BB.] AA. Ted Shanks

[CC.] BB. Sky Prairie

[DD.] CC. Sni-A-Bar

[EE.] DD. Sunrise Access

[FF.] EE. Ten Mile Pond

[GG.] FF. Upper Mississippi Conservation Area (Bay Island Unit)

[HH.] GG. Warbler Woods

9. Deer hunting is permitted on the following conservation areas only during the archery season and the December muzzleloading portion of the firearms deer season:

A. Bilby Ranch

B. Bob Brown

C. Dresser Island Unit of Upper Mississippi Conservation

Area

D. Bradley A. Hammer Memorial

E. Loutre Lick Access

F. Moore's Mill Access

G. Nodaway Valley

H. Rocky Fork Lakes

I. Seven Island

10. During firearms and the December muzzleloading portion of the firearms deer season, only deer having at least one (1) antler

not less than three inches (3") long may be taken or possessed on the following conservation areas:

A. Apple Creek

B. Buffalo Hills

C. Busiek State Forest and Wildlife Area

D. Compton Hollow

E. Crooked River

F. Cuivre Island (island portion)

G. Daniel Boone

H. Danville

I. Davisdale

J. General Watkins

K. Indian Trail

L. J.N. "Turkey" Kearn Memorial Wildlife Area

M. Lamine River

N. Little Indian Creek

O. Little Lost Creek

P. William R. Logan

Q. Magnolia Hollow

R. Ralph and Martha Perry Memorial

S. Pleasant Hope

T. Ranacker

U. Frank Reifsnider State Forest

V. River 'Round

W. Settle's Ford

X. Robert E. Talbot

Y. William G. and Erma Parke White Memorial Wildlife

Area

11. Deer may be hunted under statewide regulations, except only deer having at least one (1) antler not less than three inches (3") long may be taken or possessed during the first two (2) days of the November portion of the firearms season on the following conservation areas:

A. Brickyard Hill

B. Bunch Hollow

C. Charlie Heath Memorial

D. Honey Creek

E. Lake Paho

F. Locust Creek

G. Moniteau Creek

H. Monkey Mountain

I. Mussel Fork

J. Rebel's Cove

12. Deer may be hunted under statewide regulations on the following conservation areas, except that centerfire firearms are prohibited:

A. Belcher Branch Lake

B. Buffalo Wallow Prairie

C. Bushwhacker Lake

D. Clear Creek

E. Comstock Prairie

F. Lester R. Davis Memorial

G. Grandfather Prairie

H. Harmony Mission Lake

I. Hi Lonesome Prairie

J. Howell Island

K. King Lake

L. Wilfrid V. and Anna C. Kneib Memorial

M. Little Compton Lake

N. Jamerson C. McCormack

O. Nodaway County Community Lake

P. Osage Prairie

Q. Paint Brush Prairie

R. Peabody

S. Pigeon Hill

T. The Edward B. and Marie O. Risch

U. Sears Community Lake

V. Shawnee Trail

W. Stony Point Prairie
X. Swift Ditch Access
Y. Taberville Prairie

Z. Wah-Kon-Tah Prairie (only portion owned by Conservation Commission west of Mo. Highway H and north of Mo. Highway 82)

AA. Wolf Bayou

13. Special hunts: Special hunts may be held on designated areas in accordance with seasons and methods established by regulation. All residents participating in a managed deer hunt must possess a Resident Managed Deer Hunting Permit. All nonresidents participating in a managed deer hunt must possess a Nonresident Managed Deer Hunting Permit.

A. On August A. Busch Memorial Conservation Area, Weldon Spring Conservation Area, Forest 44 Conservation Area, Charles W. Green Conservation Area, James A. Reed Memorial Wildlife Area, Burr Oak Woods Conservation Area, Peck Ranch Conservation Area (fenced portion), Rockwoods Range, Whetstone Creek Conservation Area and Caney Mountain Conservation Area (fenced portion), deer hunting is only permitted during managed hunts, except that antlerless deer may be taken only by archery methods and limits on James A. Reed Memorial Wildlife Area each Monday through Friday from December 1 /to/ through the close of the statewide archery deer hunting season.

B. On Drury-Mincy Conservation Area, Platte Falls Conservation Area and Yellow Creek Conservation Area, firearms and muzzleloading firearms deer hunting are only permitted during managed hunts.

C. All persons hunting during a managed deer hunt, except archery-only hunts, shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as daylight fluorescent orange, blaze orange or hunter orange, which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement.

D. During managed deer hunts, historic weapons shall include only longbows, crossbows and muzzleloading or cap-and-ball firearms not smaller than forty caliber (.40) capable of loading only from the muzzle and firing only a single projectile at one (1) discharge.

E. During special hunts, doves may be hunted on Bois D'Arc Conservation Area and waterfowl may be hunted on August A. Busch Memorial Conservation Area and Charles W. Green Conservation Area.

14. Fall firearms turkey hunting is prohibited on Duck Creek Conservation Area (south of Highway Z), Eagle Bluffs Conservation Area and Grand Pass Conservation Area.

15. On designated portions of Peck Ranch Conservation Area, spring turkey hunting is permitted only with a special permit; fall turkey hunting is prohibited.

16. On Caney Mountain Conservation Area (fenced portion) and Drury-Mincy Conservation Area (Drury portion), spring turkey hunting is permitted only with a longbow.

17. On the fenced portion of Caney Mountain Conservation Area, turkey and squirrel hunting with muzzleloading shotguns and longbows is permitted during the fall firearms turkey season.

18. On August A. Busch Memorial Conservation Area:

A. Rabbits may be hunted in designated areas with shotgun or longbow from sunrise to 4:30 p.m., *[Monday through Friday,] from January 1 /to/ through February 15, except during special deer hunts]*. The daily limit is four (4) rabbits.

B. Doves may be hunted from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

C. Squirrels and groundhogs may be hunted only with shotgun **from the fourth Saturday in May through October 15**.

D. Rabbit, squirrel and dove hunters may also take coyotes.

E. Raccoon, skunks and opossum may be hunted from 6:00 p.m. to 1:00 a.m. from December 15 /to/ December 31.

F. Spring turkey hunting is permitted only with a special permit; fall firearms turkey hunting is prohibited.

G. Quail *[and pheasant hunting are prohibited]* hunting is permitted only during managed hunts.

19. On James A. Reed Memorial Wildlife Area:

A. Rabbits may be hunted in designated areas with shotgun or longbow from 8:00 a.m. to 4:30 p.m. daily from December 1 /to/ through the end of the statewide season by holders of a valid area daily hunting tag.

B. Doves may be hunted in assigned areas from assigned shooting stations from noon to sunset each Monday through Friday, except Labor Day, during the statewide season by holders of a valid area daily hunting tag.

C. Squirrels may be hunted in designated areas with shotgun or longbow from 8:00 a.m. to 4:30 p.m. daily from December 1 /to/ December 31 by holders of a valid area daily hunting tag.

D. Turkey, furbearer and quail hunting are prohibited except during special hunts.

E. Waterfowl may be hunted by reservation only by holders of a valid area daily hunting tag on designated days and only in designated areas, except that hunters may retrieve dead birds and shoot downed cripples.

20. On Weldon Spring Conservation Area, spring turkey hunting and fall archery turkey hunting are permitted only by holders of a special permit.

21. On Bois D'Arc Conservation Area and White River Trace Conservation Area, quail and dove hunting are permitted only until 1:00 p.m. daily. During the first seven (7) days of dove season, doves may be taken in assigned areas only by holders of a valid area daily hunting tag. Quail may be taken only by holders of a valid area daily hunting tag until the area is posted closed based on harvest surveys.

22. On Lake Girardeau Conservation Area, hunting is permitted only from November 1 /to/ April 1.

23. On Marais Temps Clair Conservation Area, doves, rails and snipe may be hunted during that part of the season which falls prior to October 15, and deer and rabbits may be hunted from after the area's prescribed duck season through the end of the statewide seasons by holders of a valid area daily hunting tag, except in areas closed by posting. Dove hunting is permitted only until 1:00 p.m. daily. Quail, pheasant, squirrel, groundhog, *[rabbit, deer,]* turkey, crow and furbearers hunting are prohibited. Waterfowl hunting is permitted only on Friday, Saturday, Sunday and Monday during the prescribed waterfowl hunting season, except the area is open daily until 1:00 p.m. for teal hunting during the early season.

24. On Robert E. Talbot Conservation Area, quail may be taken only by holders of a valid area daily hunting tag.

25. On Capps Creek Conservation Area, Reform Conservation Area, Dr. O.E. and Eloise Sloan Conservation Area, Robert E. Talbot Conservation Area and Whetstone Creek Conservation Area, quail hunting is permitted only until 1:00 p.m. daily from November 1 /to/ December 15.

26. On Otter Slough Conservation Area, rabbit, deer and turkey hunting are prohibited.

27. On Big Creek Conservation Area, deer may not be taken with rifles or pistols firing centerfire cartridges.

28. On Jim Bridger Urban Conservation Area, Forest 44 Conservation Area and Rockwoods Range, hunting is prohibited except for deer and turkey during special hunts, except that antlerless deer may be taken only by archery methods and limits on Jim Bridger Urban Conservation Area each Monday through Friday from October 1 to the opening of statewide firearms deer hunting season. On Pelican Island Natural Area, hunting is prohibited except for deer during special hunts.

29. Waterfowl hunting is permitted under statewide regulations, except as further restricted in this rule.

A. Waterfowl hunting is prohibited on the following conservation areas:

- (I) Blind Pony Lake
- (II) Cooley Lake
- (III) Grand Glaize Waterfowl Refuge
- (IV) Hunnewell Lake
- (V) Lake Girardeau
- (VI) Lake Paho
- (VII) Lone Jack Lake

B. Waterfowl hunting is prohibited after 1:00 p.m. on designated portions of the following conservation areas:

- (I) Amarugia Highlands
- (II) Bob Brown
- (III) Columbia Bottom**
- [(IV)] (V) Coon Island*
- [(V)] (VI) Duck Creek*
- [(V)] (VII) Eagle Bluffs*
- [(V)] (VIII) Fountain Grove*
- [(V)] (IX) Grand Pass*
- [(V)] (X) B. K. Leach Memorial*
- (X) Little River**
- [(X)] (XI) Long Branch Lake*
- [(X)] (XII) Marais Temps Clair*
- [(X)] (XIII) Mingo National Wildlife Refuge*
- [(X)] (XIV) Otter Slough*
- [(X)] (XV) James A. Reed Memorial Wildlife Area*
- [(X)] (XVI) Schell-Osage*
- [(X)] (XVII) Ted Shanks*
- [(X)] (XVIII) Swan Lake National Wildlife Refuge*
- [(X)] (XIX) Ten Mile Pond*
- [(X)] (XX) Yellow Creek*

C. Waterfowl may be taken on the following conservation areas by holders of a valid area daily hunting tag only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples. Waterfowl hunters must check out immediately after the close of their hunting trip and prior to processing birds; these conservation areas are closed to waterfowl hunting on December 25. Nonhunters are prohibited within the shooting areas during the waterfowl hunting season unless they are members of and remain with a party authorized to use the area, except that portions of these conservation areas may be open to fishing during all or part of the waterfowl season. Hunting of other wildlife is prohibited, except in designated areas, from October 15 */to/ through* the end of the area's prescribed waterfowl season.

- (I) Bob Brown
- (II) Columbia Bottom**
- [(III)] (III) Coon Island*
- [(III)] (IV) Duck Creek*
- [(V)] (V) Eagle Bluffs*
- [(V)] (VI) Fountain Grove*
- [(V)] (VII) Grand Pass*
- [(V)] (VIII) B. K. Leach Memorial*
- [(V)] (IX) Marais Temps Clair*
- [(X)] (X) Mingo National Wildlife Refuge*
- [(X)] (XI) Montrose*
- [(X)] (XII) Nodaway Valley*
- [(X)] (XIII) Otter Slough*
- [(X)] (XIV) Schell-Osage*
- [(X)] (XV) Ted Shanks*
- [(X)] (XVI) Swan Lake National Wildlife Refuge*
- (geese only)
- [(X)] (XVII) Ten Mile Pond*

D. On Fountain Grove Conservation Area, Grand Pass Conservation Area, Swan Lake National Wildlife Refuge and Yellow Creek Conservation Area, no more than ten (10) shotgun shells daily may be fired at Canada geese by each hunter.

E. Special waterfowl refuges:

(I) On Bull Shoals Waterfowl Refuge, all hunting, fishing, trapping, boating and vehicles are prohibited from November 15 */to/ through* February 15 on the lands and waters of the Theodosia Arm of Bull Shoals Lake—to include all of Section 13 and South Half of Section 12, T22N, R16W; all of Section 17, South Half of Sections 7 and 8, and that part of Sections 19 and 20 North of Highway 160 bridge, all in T22N, R15W.

(II) On Stockton Lake Waterfowl Refuge, all hunting, fishing, trapping and boating are prohibited from October 15 through the area's prescribed duck and Canada goose seasons on all Corps of Engineers lands and waters on and adjacent to the Little Sac Arm from the Highway 123 bridge to the county road bridge crossing Little Sac River in Section 11, T32N, R24W.

(III) On Smithville Lake Waterfowl Refuge, all hunting, fishing, trapping and boating are prohibited from October 15 through January 15 in units designated by posting.

[(IV)] On Grand River Bottoms Waterfowl Refuge of Truman Reservoir, as posted, all hunting, fishing, boating, trespassing and vehicles are prohibited on Corps of Engineers lands and waters from December 1 to March 15.]

[(V)] (IV) On Dehn Marsh and Sac River Marsh of Truman Reservoir, waterfowl hunting is prohibited.

*[(V)] (V) On Thomas Hill Reservoir, waterfowl hunting is prohibited on the lands and waters of the main arm between Highway T and county road 462, three and one-half (3 1/2) miles north of Highway T from October 15 */to/ through* the close of the waterfowl season.*

*[(V)] (VI) On Ralph and Martha Perry Memorial Conservation Area Waterfowl Refuge, as posted, all hunting, fishing, boating, trespassing and vehicles are prohibited from October 15 */to/ through* the close of the waterfowl season.*

F. Use or possession of lead shot is prohibited for all hunting in designated zones on the following conservation areas:

- (I) Bob Brown
- (II) Columbia Bottom**
- [(III)] (III) Cooley Lake*
- [(III)] (IV) Coon Island*
- [(V)] (V) Duck Creek*
- [(V)] (VI) Eagle Bluffs*
- [(V)] (VII) Fountain Grove*
- [(V)] (VIII) Four Rivers*
- [(V)] (IX) Grand Pass*
- [(X)] (X) B. K. Leach Memorial*
- [(X)] (XI) Little Bean Marsh*
- [(X)] (XII) Little River*
- [(X)] (XIII) Marais Temps Clair*
- [(X)] (XIV) Montrose*
- [(X)] (XV) Nodaway Valley*
- [(X)] (XVI) Otter Slough*
- [(X)] (XVII) Schell-Osage*
- [(X)] (XVIII) Settle's Ford*
- [(X)] (XIX) Ted Shanks*
- [(X)] (XX) Ten Mile Pond*

G. On *[Four Rivers Conservation Area] Settle's Ford Conservation Area*, hunting of other wildlife is permitted except in designated waterfowl hunting areas from October 15 through the end of the prescribed Canada goose season. Waterfowl hunters must preregister and check out daily at designated hunter record boxes prior to and immediately after completing the hunt. Non-hunters are prohibited within the waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.

H. On Little River Conservation Area, *[duck hunting is prohibited. Goose hunting is permitted in designated areas only after the end of the prescribed zone duck hunting season] waterfowl hunting is permitted only during special hunts or by holders of a valid area daily hunting tag.*

I. On Four Rivers Conservation Area, in designated waterfowl hunting areas, waterfowl hunters must register before hunting and check out daily at Area Headquarters. On the remaining portions of the area, waterfowl hunters must register before hunting at designated hunter record boxes and check out immediately after completion of the hunt. In designated waterfowl hunting areas, hunting is closed on December 25. Nonhunters are prohibited within the designated waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.

30. On Eagle Bluffs Conservation Area, B. K. Leach Memorial Conservation Area, William R. Logan Conservation Area and William G. and Erma Parke White Memorial Wildlife Area, doves may be hunted only in assigned areas from an assigned shooting station on designated days from 1:00 p.m. to 5:00 p.m. during the September portion of the statewide season by holders of a valid area daily hunting tag.

31. On Columbia Bottom Conservation Area and Saint Stanislaus Conservation Area, hunting is permitted only during special hunts or by holders of a valid daily hunting tag.

32. On Lake Paho Conservation Area, doves may be hunted from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

(P) Fishing. Fishing, under statewide seasons, methods and limits, is permitted, except as further restricted in this rule.

1. Fishing may be further restricted on designated portions of conservation areas.

2. Fishing is prohibited on the following conservation areas or individually named lakes:

- A. Allred Lake Natural Area
- B. Rudolf Bennett Lake
- C. Robert L. Blattner
- D. Burr Oak Woods
- E. Gama Grass Prairie
- F. Gay Feather Prairie
- G. Charles W. Green
- H. Happy Holler Lake
- I. Hunkah Prairie
- J. Little Osage Prairie

K. Chloe Lowry Marsh Natural Area

L. Mo-Ko Prairie

M. Mon-Shon Prairie

N. Mount Vernon Prairie

O. Niawathe Prairie

P. Pawhuska Prairie

Q. Powder Valley Conservation Nature Center

R. Springfield Conservation Nature Center

S. Turtle Rock Lake

T. Tzi-Sho Prairie

U. Wah-Kon-Tah Prairie (only on portion owned by the Nature Conservancy)

V. Wah-Sha-She Prairie

W. Henry J. Waters II and C.B. Moss Memorial Wildlife Area

3. On all impounded waters, fish may be taken only with pole or rod with attached line and not more than three (3) poles or rods with attached line may be used by one (1) person at any time, except as further provided in this rule.

A. On Forest Lake, Montrose Conservation Area, Schell-Osage Conservation Area, Ted Shanks Conservation Area and Thomas Hill Reservoir, fish may be taken with limb lines and bank lines.

B. Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following conservation areas or individually named lakes:

- (I) Atlanta
- (II) Bismarck
- (III) Blackjack Access

- (IV) Bob Brown
- (V) Cooley Lake
- (VI) Deer Ridge
- (VII) Deroin Bend
- (VIII) Duck Creek
- (IX) Eagle Bluffs
- (X) Connor O. Fewel
- (XI) Fountain Grove
- (XII) Four Rivers
- (XIII) Forest Lake
- (XIV) Franklin Island
- (XV) Grand Pass
- (XVI) Hunnewell Lake
- (XVII) King Lake
- (XVIII) Kings Prairie Access
- (XIX) Lake Paho
- (XX) Lamine River
- (XXI) B. K. Leach Memorial
- (XXII) Limpp Community Lake
- (XXIII) Little Compton Lake
- (XXIV) Locust Creek
- (XXV) Manito Lake
- (XXVI) Marais Temps Clair
- (XXVII) Nodaway Valley
- (XXVIII) Otter Lake
- (XXIX) Peabody
- (XXX) Ralph and Martha Perry Memorial
- (XXXI) Haysler A. Poague
- (XXXII) Pony Express Lake
- (XXXIII) Rebel's Cove
- (XXXIV) Schell-Osage
- (XXXV) Henry Sever
- (XXXVI) Settle's Ford
- (XXXVII) Ted Shanks
- (XXXVIII) Thurnau
- (XXXIX) Truman Reservoir
- (XL) Wakonda State Park Lakes
- (XLI) Worth County Community Lake
- (XLII) Worthwine Island

4. On */August A. Busch Memorial Conservation Area, /* Conservation Commission Headquarters and James A. Reed Memorial Wildlife Area, fishing is permitted in designated waters from 6:00 a.m. to 6:00 p.m., October 1 */to/ through* March 31 and from 6:00 a.m. to 9:00 p.m., April 1 */to/ through* September 30. **On August A. Busch Memorial Conservation Area, fishing is permitted on designated waters from 6:00 a.m. to 9:00 p.m. daily.** On designated lakes at Conservation Commission Headquarters, only flies and artificial lures may be used, and all fish must be returned to the water unharmed immediately after being caught. On Coot Lake on James A. Reed Memorial Wildlife Area, from November 1 */to/ through* February 19, only flies, artificial lures and soft plastic baits (unscented) may be used and all fish must be returned to the water unharmed immediately after being caught.

5. On Ronald and Maude Hartell Conservation Area, fishing is permitted on designated waters. Only flies, artificial lures and soft plastic baits (unscented) may be used and all fish must be returned to the water unharmed immediately after being caught. Possession of fish on the area is prohibited except by special use permit.

5.6. Fishing is permitted, except in designated areas, on the following conservation areas.

- A. Bellefontaine
- B. Bilby Ranch Lake
- C. Bob Brown
- D. Cooley Lake
- E. Coon Island
- F. Duck Creek

G. Eagle Bluffs
 H. Fountain Grove
 I. Four Rivers
 J. Grand Pass
 K. Hornersville Swamp
 L. B. K. Leach Memorial
 M. Maple Leaf Lake
 N. Marais Temps Clair
 O. Monegaw Prairie
 P. Montrose
 Q. Osage Prairie
 R. Otter Slough
 S. Pony Express Lake
 T. Schell-Osage
 U. Settle's Ford
 V. Seven Island
 W. Ted Shanks
 X. Taberville Prairie
 Y. Ten Mile Pond
 Z. Wah-Kon-Tah Prairie (only on portion owned by Conservation Commission west of Mo. Highway H and north of Mo. Highway 82)

/6.7 7. On Binder Community Lake, fishing is prohibited from 11:00 p.m. to 3:00 a.m. daily.

/7.8 8. On Maramec Spring Trout Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park:

A. Fishing is permitted in designated waters during posted hours. Not more than one (1) pole or rod with attached line may be used by one (1) person at any time. Gigging, snaring, snagging, frogging and the taking of live bait are prohibited. Flies, artificial lures, unscented soft plastic baits and natural and scented baits may be used, except in waters posted as restricted to specific baits or lures. The use of any foods to attract fish, except when placed on a hook, is prohibited.

B. Trout fishing is permitted from March 1 */to/ through* October 31. The daily limit is five (5) trout, and no person shall continue to fish for any species after having five (5) trout in possession. Fishing in the designated trout waters is permitted only by holders of a signed valid area daily trout fishing tag.

C. On a designated portion of Montauk State Park and Roaring River State Park, catch and release trout fishing only is permitted from March 1 */to/ through* October 31. Only flies may be used, and all trout must be returned to the water unharmed immediately after being caught. Trout may not be possessed in these designated areas, and no person with five (5) trout already in possession may fish there.

D. Trout fishing is permitted from 8:00 a.m. to 4:00 p.m. on Fridays, Saturdays and Sundays from the second Friday in November */to/ through* the second Sunday in February. Fishing in designated trout waters is permitted only by holders of a valid area winter trout fishing tag. Only flies may be used, and all trout must be returned to the water unharmed immediately after being caught. Trout may not be possessed on these waters.

/8.9 9. On Jerry J. Presley Conservation Education Center, fishing is permitted only by holders of a valid area special use permit. Except as otherwise provided on the special use permit, all fish must be returned to the water unharmed immediately after being caught.

/9.10 10. Daily and possession limits. Statewide daily and possession limits shall apply for all species, except that: In impounded waters, daily limits are catfish in the aggregate (channel catfish, blue catfish, flathead catfish), four (4); black bass, six (6); crappie, thirty (30); and all other fish, statewide limits, but not to exceed twenty (20) in the aggregate; except as further restricted in this rule.

A. The daily limit for black bass shall be two (2) on the following conservation areas:

(I) Amarugia Highlands

(II) Arrow Rock State Historic Site
 (III) Atkinson Lake
 (IV) Baltimore Bend
 (V) Belcher Branch Lake
 (VI) Bellefontaine
 (VII) August A. Busch Memorial
 (VIII) Confederate Memorial State Park Lakes
 (IX) Robert G. DeLaney Lake
 (X) Lake Paho
 (XI) Lone Jack Lake
 (XII) Manito Lake
 (XIII) Maple Leaf Lake
 (XIV) Port Hudson Lake
 (XV) James A. Reed Memorial Wildlife Area
 (XVI) Schell Lake
 (XVII) Watkins Mill State Park Lake
 (XVIII) Weldon Spring

B. On Bellefontaine Conservation Area, Che-Ru Lake, Hazel Hill Lake and Schell-Osage Conservation Area, the daily limit for crappie shall be fifteen (15).

C. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, the daily limit for white bass, striped bass and their hybrids in the aggregate shall be four (4); on James A. Reed Memorial Wildlife Area, the aggregate daily limit for all other fish shall be ten (10).

D. On Duck Creek Conservation Area, statewide limits shall apply for all nongame fish.

E. At Blind Pony Lake Conservation Area, the daily limit for black bass shall be one (1).

F. At Tobacco Hills Lake, the daily limit for bluegill shall be eight (8).

G. On Bellefontaine Conservation Area and Port Hudson Lake, the daily limit for other fish (those not listed by name in this paragraph) shall be (10) in the aggregate.

/10.11 11. Length limits. Statewide length limits shall apply for all species, except as further restricted in this rule.

A. On all impoundments, except as authorized in parts (1)(P)10.A.(I)-(V), all black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(I) All black bass less than twelve inches (12") total length must be returned to the water unharmed immediately after being caught on the following conservation areas:

- (a) Bois D'Arc
- (b) Knob Noster State Park Lakes
- (c) Malta Bend Community Lake
- (d) Painted Rock
- (e) Peabody
- (f) Haysler A. Poague
- (g) Robert E. Talbot
- (h) Van Meter State Park Lake

(II) All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following conservation areas:

- (a) Amarugia Highlands
- (b) Arrow Rock State Historic Site
- (c) Atkinson Lake
- (d) Baltimore Bend
- (e) Big Oak Tree State Park
- (f) Bilby Ranch lake
- (g) Binder Community lake
- (h) Bismarck
- (i) Buffalo Bill Lake
- (j) August A. Busch Memorial (except Lakes 33 and 35)
- (k) Che-Ru Lake
- (l) Jerry P. Combs Lake
- (m) Confederate Memorial State Park Lakes

- (n) Deer Ridge Lake
- (o) Fourche Lake
- (p) General Watkins
- (q) Huzzah Pond**
- (r) Jamesport Community Lake*
- (s) Limpp Community Lake*
- (t) Little Compton Lake*
- (u) Loggers Lake*
- (v) Lone Jack Lake*
- (w) Maple Leaf Lake*
- (x) McCormack Lake*
- (y) Noblett Lake*
- (z) Nodaway County Community Lake*
- (aa) Perry County Community Lake*
- (bb) Pershing State Park Ponds*
- (cc) Pony Express*
- (dd) Ray County Community Lake*
- (ee) James A. Reed Memorial Wildlife Area*
- (ff) Rinquelin Trail Community Lake*
- (gg) Roby Lake*
- (hh) Schell Lake*
- (ii) Ted Shanks*
- (jj) Tobacco Hills Lake*
- (kk) Union Ridge Lake*
- (ll) Vandalia Community Lake*
- (mm) Watkins Mill State Park Lake*
- (nn) Weldon Spring*
- (oo) Worth County Community Lake*

(III) On Bellefontaine Conservation Area, August A. Busch Memorial Lakes 33 and 35, Belcher Branch Lake, Robert G. DeLaney Lake, Lake Paho, Manito Lake and Port Hudson Lake, all black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught.

(IV) On Blind Pony Lake Conservation Area, all black bass less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught.

(V) On Hazel Hill Lake, all black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught.

B. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, all white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught.

C. On Blind Pony Lake Conservation Area, Hazel Hill Lake and Manito Lake Conservation Area, all channel catfish and all blue catfish less than fifteen (15") total length must be returned to the water unharmed immediately after being caught.

D. On August A. Busch Memorial Conservation Area, Che-Ru Lake, James A. Reed Memorial Wildlife Area and Schell-Osage Conservation Area, all flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught.

E. On Tobacco Hills Lake, all bluegill less than eight inches (8") total length must be returned to the water unharmed immediately after being caught.

F. On Lake Girardeau Conservation Area and Henry Sever Conservation Area, all muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught.

(11.) 12. Salvage seining of nongame fish may be permitted seasonally for personal use with written permission of the department.

(12.) 13. Seining or trapping live bait, including tadpoles, is prohibited on streams in Mule Shoe Conservation Area and on all

impounded waters and their discharge channels, except as further defined in this rule.

A. Seining or trapping live bait, including tadpoles, is permitted on designated impoundments on Bob Brown Conservation Area, Fountain Grove Conservation Area, Grand Pass Conservation Area and Nodaway Valley Conservation Area.

B. On designated waters on Schell-Osage Conservation Area, gizzard shad may be taken by live bait methods.

(13.) 14. On Wire Road Conservation Area, nongame fish may be taken by snagging, snaring, or grabbing from March 15 *(to)* through May 15. A daily limit of twenty (20) and a possession limit of forty (40) shall apply to fish taken by these methods.

(14.) 15. On Prairie Lake on Weldon Spring Conservation Area, fishing is prohibited during the area's prescribed waterfowl hunting season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Dec. 15, 1975, effective Dec. 27, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.116 Special Regulations for Areas Owned by Other Entities. The department proposes to amend paragraphs (2)(A)2., (2)(D)9. and subsections (4)(A) and (B).

PURPOSE: This amendment will permit the use of electronic motors on Warrensburg (Lion's Lake) and clarifies inclusive dates.

(2) The special regulations in this section apply on all lands and waters included in the department's Urban Fishing Program and Community Assistance Program.

(A) Boats and Motors. Boats with electric motors may be used except as follows:

1. Boats are prohibited on the following areas:
 - A. Bridgeton (Kiwanis Lake)
 - B. California (Proctor Park Lake)
 - C. Cole County (Jaycee Park Lake)
 - D. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods)
 - E. Dexter City Lake
 - F. Farmington City Lake
 - G. Jackson (Rotary Park Lake)
 - H. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Fleming Pond, Scherer Lake, Wyatt Lake)
 - I. Jefferson City (McKay Park Lake)
 - J. Mexico (Kiwanis Lake)
 - K. Mineral Area College (Quarry Pond)
 - L. Mount Vernon (Williams Creek Park Lake)

- M. Overland (Wild Acres Park Lake)
- N. Rolla (Schuman Park Lake)
- O. Saint Louis County (Bee Tree Lake)
- P. Sedalia (Clover Dell Park Lake, Liberty Park Lake)
- Q. The James Foundation (Scioto Lake)
- R. University of Missouri (South Farm R-1 Lake)
- 2. Only boats without motors may be used on Columbia (Twin Lake) [*and Warrensburg (Lion's Lake)*].

3. Outboard motors must be operated at slow, no-wake speed on Concordia (Edwin A. Pape Lake).

4. No boat motor restrictions apply on Harrison County Lake and Maryville (Mozingo Lake).

5. Outboard motors not in excess of forty (40) horsepower may be used on Springfield City Utilities (Fellows Lake).

6. Outboard motors not in excess of ten (10) horsepower may be used on the following areas:

- A. Bethany (North Bethany City Reservoir)
- B. Fayette (D. C. Rogers Lake, Fayette City Lake No. 2)
- C. LaBelle City Lake
- D. LaPlata City Lake
- E. Macon City Lake
- F. Moberly (Rothwell Park Lake, Water Works Lake)
- G. Odessa (City Lake)
- H. Springfield City Utilities (Lake Springfield)
- I. Unionville City Lake

7. Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

- A. Brookfield City Lake
- B. Cameron (Grindstone Reservoir)
- C. Fredericktown City Lake
- D. Higginsville City Lake
- E. Holden City Lake
- F. Iron Mountain City Lake
- G. Marceline City Lake
- H. Memphis (Lake Showme)
- I. Milan (Elmwood Lake)

(D) Fishing. Fishing, under statewide seasons, methods and limits, is permitted except as further restricted in this section.

1. Fishing may be further restricted on designated portions of areas.

2. Bullfrogs and green frogs may be taken during the statewide season by hand, handnet, gig, longbow or hook and line except as follows:

A. Longbows may not be used to take frogs on Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake) Farmington City Lake, Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake), Mexico (Lakeview Lake, Kiwanis Lake), Moberly (Rothwell Park Lake, Water Works Lake) and The James Foundation (Scioto Lake).

B. Only pole and line may be used to take frogs on Bridgeton (Kiwanis Lake), Butler City Lake, Kirkwood (Walker Lake), Mineral Area College (Quarry Pond), Overland (Wild Acres Park Lake), Saint Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake), Sedalia (Clover Dell Park Lake, Liberty Park Pond), Warrensburg (Lion's Lake), Wentzville (Community Club Lake) and Windsor (Farrington Park Lake).

3. Fishing is prohibited on Jackson County (Fleming Pond).

4. Fish may be taken from lakes only with pole and line with lure or bait and not more than three (3) poles may be used by one (1) person at any time, except as follows:

A. Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following lakes:

- (I) Brookfield City Lake
- (II) Bethany (North Bethany City Reservoir)

(III) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)

(IV) Fayette (D. C. Rogers Lake, Fayette City Lake No.

2)

(V) Hamilton City Lake

(VI) Harrison County Lake

Road) (VII) Jackson County (Lake Jacomo, north of Colbern

(VIII) Kirksville (Hazel Creek Lake)

(IX) Maryville (Mozingo Lake)

(X) Macon City Lake

(XI) Saint Louis County (Sunfish Lake)

(XII) Unionville City Lake

B. Carp, buffalo, suckers and gar may be taken by gig during statewide seasons on Jackson County (Prairie Lee Lake).

C. Carp, buffalo, gar and shad may be taken by longbow from sunrise to midnight throughout the year on Concordia (Edwin A. Pape Lake) and Higginsville City Lake.

5. Fishing is permitted, except in designated areas, on Concordia (Edwin A. Pape Lake), Higginsville City Lake and Odessa (City Lake, Upper Lake).

6. Statewide daily limits shall apply for all species, except as follows:

A. The daily limit for black bass is two (2) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Bridgeton (Kiwanis Lake)

(III) Butler City Lake

(IV) California (Proctor Park Lake)

(V) Columbia (Twin Lake)

(VI) Concordia (Edwin A. Pape Lake)

(VII) Ferguson (January-Wabash Lake)

(VIII) Higginsville City Lake

(IX) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)

(X) Jefferson City (McKay Park Lake)

(XI) Kirksville (Hazel Creek Lake)

(XII) Kirkwood (Walker Lake)

(XIII) Macon (Blees Lake)

(XIV) Mineral Area College (Quarry Pond)

(XV) Overland (Wild Acres Park Lake)

(XVI) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(XVII) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(XVIII) University of Missouri (South Farm R-1 Lake)

(XIX) Warrensburg (Lion's Lake)

(XX) Wentzville (Community Club Lake)

(XXI) Windsor (Farrington Park Lake)

B. The daily limit for bullheads is ten (10) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Ferguson (January-Wabash Lake)

(III) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(IV) Saint Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

C. The daily limit for carp is four (4) on the following lakes:

- (I) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (II) Ferguson (January-Wabash Lake)
- (III) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (IV) Saint Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

D. The daily limit for channel catfish, blue catfish and flathead catfish in the aggregate is four (4).

E. The daily limit for crappie is fifteen (15) on the following lakes:

- (I) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (II) Ferguson (January-Wabash Lake)
- (III) Kirksville (Hazel Creek Lake)
- (IV) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (V) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
- (VI) Springfield City Utilities (Fellows Lake)

F. The daily limit for white bass, striped bass and their hybrids in the aggregate is four (4) on Cameron (Reservoir No. 3) and Saint Louis County (Creve Coeur Lake).

G. The daily limit for gizzard shad for bait on Jackson County (Lake Jacomo, Prairie Lee Lake) and Concordia (Edwin A. Pape Lake) is one hundred fifty (150).

H. The daily limit for other fish (those not included in rules 3 CSR 10-6.505 through 3 CSR 10-6.545 and 3 CSR 10-4.111) is twenty (20) in the aggregate, except on the following lakes where the daily limit in the aggregate is ten (10), and except for those fish included in (2)(D)6.B., C. and G.:

- (I) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (II) Bridgeton (Kiwanis Lake)
- (III) Ferguson (January-Wabash Lake)
- (IV) Kirkwood (Walker Lake)
- (V) Mineral Area College (Quarry Pond)
- (VI) Overland (Wild Acres Park Lake)

(VII) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(VIII) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

- (IX) Wentzville (Community Club Lake)

7. Statewide length limits shall apply for all species, except that all black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

A. All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes.

- (I) Bethany (Old Bethany City Reservoir)
- (II) Butler City Lake
- (III) California (Proctor Park Lake)
- (IV) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)

(V) Carthage (Kellogg Lake)

- (VI) Concordia (Edwin A. Pape Lake)
- (VII) Dexter City Lake
- (VIII) Hamilton City Lake
- (IX) Harrison County Lake
- (X) Higginsville City Lake
- (XI) Holden City Lake
- (XII) Iron Mountain City Lake
- (XIII) Jackson (Rotary Park Lake)
- (XIV) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- (XV) Jefferson City (McKay Park Lake)
- (XVI) Lancaster City Lake
- (XVII) Maryville (Mozingo Lake)
- (XVIII) Maysville (Willow Brook Lake)
- (XIX) Mineral Area College (Quarry Pond)
- (XX) Warrensburg (Lion's Lake)
- (XXI) Windsor (Farrington Park Lake)
- (XXII) Unionville City Lake
- (XXIII) University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake)

B. All black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

- (I) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (II) Bridgeton (Kiwanis Lake)
- (III) Columbia (Twin Lake)
- (IV) Ferguson (January-Wabash Lake)
- (V) Kirksville (Hazel Creek Lake)
- (VI) Kirkwood (Walker Lake)
- (VII) Macon (Blees Lake)
- (VIII) Overland (Wild Acres Park Lake)
- (IX) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- (X) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
- (XI) University of Missouri (South Farm R-1 Lake)
- (XII) Wentzville (Community Club Lake)

C. All black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on LaBelle City Lake.

D. All white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on Cameron (Reservoir No. 3) and Saint Louis County (Creve Coeur Lake).

E. All bluegill less than nine inches (9") total length must be returned to the water unharmed immediately after being caught on University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake).

F. All channel catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on Macon City Lake and Marceline City Lake.

G. All flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on Concordia (Edwin A. Pape Lake), Higginsville City Lake and Saint Louis County (Bee Tree Lake, Sunfish Lake).

H. All muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught on Kirksville (Hazel Creek Lake).

I. All walleye less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on Memphis (Lake Showme) and Maryville (Mozingo Lake).

8. Netting or trapping live bait is prohibited, except that on Concordia (Edwin A. Pape Lake), Jackson County (Lake Jacomo, Prairie Lee Lake) gizzard shad may be taken with dip net or throw net.

9. All trout must be returned to the water unharmed immediately after being caught and only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 /to/ through January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake) and Saint Louis County (Tilles Park Lake). Trout may not be possessed on these waters during this season.

(4) On Mingo National Wildlife Refuge—

(A) Fishing is permitted under statewide regulations from March 15 /to/ through September 30 on all waters and from October 1 /to/ through March 14 on designated waters only.

(B) Nongame fish may be taken for personal use only by nets and seines from March 15 /to/ through September 30. All gear shall be plainly labeled on a durable material with the name and address of the person using the equipment.

(D) Squirrels may be taken from the opening of the statewide season /to/ through September 30 in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 31, 1990, effective Jan. 1, 1991. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required; Exceptions. The department proposes to add subsection (1)(P).

PURPOSE: This amendment allows anglers to fish without permit on a licensed trout fishing area.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(P) A customer or guest of a licensed trout fishing area may fish for trout without permit (see 3 CSR 10-9.645).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening

history, please consult the **Code of State Regulations**. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission

Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping

PROPOSED AMENDMENT

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable. The department proposes to amend section (5).

PURPOSE: This amendment changes the Migratory Bird Hunting Permit season to July 1 through June 30.

(5) Permits are nontransferable and are valid from date of purchase through the last day of February of the prescribed permit year; except the Migratory Bird Hunting Permit shall be valid through /March 10/ June 30, and the Resident Trapping Permit and Nonresident Furbearer Hunting and Trapping Permit shall be valid through April 10. Except as provided for permits purchased by telephone, or through the Internet, no affidavit, receipt or other document may be issued or used in lieu of the required permit. Temporary permit authorization number(s) allowing immediate use of permit privileges may be provided for permits (except deer and turkey permits) purchased through the department's authorized telephone or Internet sales service provider. The temporary permit authorization number(s) and picture identification must be carried at all times while hunting, fishing or trapping until the actual permit(s) is received. Any permit issued or obtained by false statement or through fraud, or while privileges are revoked or denied by the commission, shall be invalid.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping**

PROPOSED RULE

3 CSR 10-5.535 White River Border Lakes Permit

PURPOSE: This rule creates a White River Border Lakes Permit that will allow Arkansas and Missouri residents to fish the other state's portion of Bull Shoals, Norfork and Table Rock lakes without purchasing a Nonresident Fishing Permit.

Required for an Arkansas resident who is licensed to sport fish in Arkansas, or who is legally exempted from the sport fishing license requirements of Arkansas, to pursue, take, possess (with the exception of trout) and transport fish, frogs, mussels, clams, turtles, crayfish and live bait from the Missouri portion of the impounded waters of Bull Shoals, Norfork and Table Rock lakes without a Nonresident Fishing Permit; or, required for a Missouri resident who is licensed to sport fish in Missouri, or who is legally exempted from the sport fishing license requirements of Missouri, to pursue, take, possess (with the exception of trout) and transport fish, frogs, mussels, clams, turtles, crayfish and live bait from the Arkansas portion of the impounded waters of Bull Shoals, Norfork and Table Rock lakes without an Arkansas Nonresident Fishing License. Fee: ten dollars (\$10).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000.

PUBLIC COST: Allowing Arkansas resident anglers to fish these specified waters without a nonresident fishing permit is expected to cost the Missouri Department of Conservation approximately \$54,000 in nonresident fishing permit fees. This is the estimated net amount of lost revenue from nonresident permits, offset by sales of a \$10 Border Lakes Permit.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. Allowing Arkansas resident anglers to fish these specified waters with a Border Lakes Permit will cost an estimated 3,500 Arkansas anglers \$10 each, but will give them additional fishing opportunities at a lower cost than they are now paying under a \$35 nonresident permit. For anglers who can benefit under this rule, the proposed change is expected to give additional fishing opportunities at no additional cost to the angler.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3 - DEPARTMENT OF CONSERVATION
Division 10 -- Conservation Commission
Chapter 5 - Wildlife Code: Permits for Hunting, Fishing, Trapping

FISCAL NOTE
PUBLIC ENTITY COSTS

Proposed Rule: **3 CSR 10-5.535 White River Border Lakes Permit**

Prepared: April 24, 2000 by the Department of Conservation

Affected Public Entities: Department of Conservation

Allowing Arkansas resident anglers to fish these specified waters without a nonresident fishing permit is expected to cost the Department of Conservation approximately \$54,000 in nonresident fishing permit fees. This is the estimated net amount of lost revenue from nonresident permits, offset by sales of a \$10.00 Border Lakes permit.

<u>CLASSIFICATION</u>	<u>ANNUAL COST¹</u>	<u>FIVE-YEAR AGGREGATE COST²</u>
DECREASE IN STATE REVENUE:		
(from nonresident anglers)	\$54,000	\$270,000

¹Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

²Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.405 General Provisions. The department proposes to amend subsections (1)(A), (1)(B) and (1)(C).

PURPOSE: This amendment modifies reciprocal fishing privileges on the Mississippi River and establishes a prohibition on the culling of mussels and clams, bullfrogs and green frogs, turtles and live bait.

(1) Fish, mussels and clams, bullfrogs and green frogs, turtles and live bait may be taken only as provided in this chapter or as further restricted in 3 CSR 10-4.115, 3 CSR 10-4.116 or other rules as noted.

(A) Permits Required.

1. Any person, to exercise the privileges of this chapter, must obtain and have on his/her person the prescribed permit, temporary permit authorization number(s) or evidence of exemption. The temporary permit authorization number(s) and picture identification must be carried at all times while fishing until the actual permit(s) is received.

2. Any person possessing a valid sport fishing license issued by the state of Illinois, Kentucky, Tennessee, Arkansas or Kansas, or who is legally exempted from those license requirements, without further permit or license, may fish with hook and line in the flowing portions of the Mississippi, St. Francis or Missouri /R/rivers within the boundary of Missouri adjacent to the state where that person is licensed.

3. Any person possessing a valid sport fishing license issued by the state of Illinois or Nebraska, or who is legally exempted from those license requirements, without further permit or license, may fish with hook and line in the flowing portions and backwaters of the Mississippi and Missouri /River/ rivers within the boundary of Missouri adjacent to the state /of Nebraska/ where that person is licensed. These anglers may also fish with hook and line in the Missouri portion of any oxbow lakes through which the /Missouri-Nebraska/ state boundary passes.

(B) Limits and Possession.

1. Any /fish/ species taken into actual possession, unless released unharmed immediately after being caught, shall continue to be included in the daily limit of the taker for the day when taken except as authorized in paragraph (1)(B)5. of this rule.

2. A person may possess only the daily limit of any species while on the waters or banks thereof to which the limit applies.

3. Regardless of where taken, no fish less than the specified minimum length limit shall be possessed on the waters or banks thereof to which length limits apply. The head, tail and skin must remain attached to all fish for which length limits are established while those fish are on the waters to which length limits apply or until the fish have been checked by an agent of the department.

4. Fish held live for release by the sponsor after a bona fide fishing tournament need not be kept separate and identifiable following tournament judging if released unharmed to the waters from which taken on the day taken.

5. During the months of September through June, black bass released unharmed by participants in a bona fide catch-and-release fishing tournament, which requires entrants to have a boat livewell with adequate capacity and a pump constantly adding fresh or recirculating water, shall not be included in the daily limit, however, at no time may the daily limit be exceeded.

6. A person may possess no more than two (2) statewide daily limits of any species at any time.

(C) Reciprocal Privileges: Mississippi, Missouri and St. Francis Rivers.

1. All reciprocal privileges outlined in this rule shall be contingent upon a grant of like privileges by the appropriate neighboring state to the licensed or exempted hook and line anglers of Missouri.

2. Regulations of the state where the angler is licensed shall apply in Arkansas and Tennessee boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky, Nebraska and Kansas boundary waters. Anglers licensed in Illinois and Nebraska, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

3. Anglers must be licensed in Missouri to fish in tributaries of the Mississippi, Missouri and St. Francis /R/rivers.

4. Anglers licensed in Arkansas, Illinois, Kansas, Kentucky or Tennessee may not fish from or attach any device or equipment to land under the jurisdiction of Missouri.

5. Anglers licensed in Illinois or Nebraska may fish from or attach any device or equipment to land under the jurisdiction of Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.410 Fishing Methods. The department is amending sections (1)–(3), (5) and (6), and adding sections (4) and (9) and renumbering the remaining sections.

PURPOSE: This amendment modifies fishing methods on the Mississippi River; clarifies the prohibition on the use of spears powered by explosives; and establishes a requirement that jug lines be personally attended to at all times.

(1) Fish may be taken by the use of pole and line, trotline, throw-line, limb line, bank line, jug line, gig, longbow, crossbow, underwater /speargun/ spearfishing, snagging, snaring, grabbing and falconry, but only as specifically authorized in 3 CSR 10-6.415 through 3 CSR 10-6.620. No person may attempt to take fish by rock or hand fishing, with or without hook.

(2) Number of Poles and Hooks.

(A) Not more than three (3) unlabeled poles /may be used by any person at one (1) time. Not/ and not more than thirty-three (33) hooks in the aggregate, for any or all methods, may be used by any person at one /1/ time. /Minnow traps, hooks,

trotlines, throwlines, limb lines, bank lines or jug lines may not be left unattended for more than twenty-four (24) hours or must be completely removed.]

(B) On the Mississippi River, not more than two (2) unlabeled poles and not more than fifty (50) hooks in the aggregate may be used by any person at one time. While fishing concurrently on the Mississippi River and other Missouri waters, not more than fifty (50) hooks in the aggregate may be used and not more than thirty-three (33) of those hooks may be used in waters other than the Mississippi River.

(C) Trotlines and throwlines of more than one (1) individual may be joined together, but the number of hooks in the aggregate shall not exceed the prescribed number for one (1) individual on the waters that are being fished and the lines must be labeled with each person's full name and address.

(3) Hooks attached to throwlines or trotlines shall be staged not less than two feet (2') apart. *[Trotlines and throwlines of more than one (1) individual may be attached together but the number of hooks in the aggregate shall not exceed thirty-three (33) and the lines must be labeled with each person's full name and address.]*

(4) Minnow traps, hooks, trotlines, throwlines, limb lines or bank lines may not be left unattended for more than twenty-four (24) hours or must be completely removed. Jug lines must be personally attended at all times.

/(4)] (5) No person may use any explosive, poison, chemical, electrical device or equipment capable of transmitting underwater signals to kill, attempt to kill, or stupefy fish, and no material and equipment may be possessed for those purposes on waters of the state or adjacent banks.

/(5)] (6) Fish not hooked in the mouth or jaw, except those legally taken by snagging, snaring, grabbing, gig, longbow, crossbow, underwater *[speargun]* spearfishing or falconry must be returned to the water unharmed immediately.

/(6)] (7) Fish legally taken by snagging, snaring, grabbing, gig, longbow, crossbow, *[or]* underwater *[spear fishing]* spearfishing or falconry shall be retained by the taker and included in the prescribed daily limit.

/(7)] (8) Minnow traps, trotlines, throwlines, limb lines, bank lines, jug lines and live boxes shall be plainly labeled on a durable material with the full name and address of the person using the equipment.

(9) Spears propelled by explosive substances may not be used.

/(8)] (10) Spearguns may not be possessed on unimpounded waters or adjacent banks.

/(9)] (11) As an aid to fishing methods, an artificial light may be used only above the water surface, except that underwater lights may be used to attract fish while fishing by pole and line.

/(10)] (12) Endangered species and fish included in 3 CSR 10-6.505 through 3 CSR 10.6.545, their parts or eggs, may not be used for bait.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.415 Restricted Zones. The department is amending sections (1)–(5).

PURPOSE: This amendment modifies fishing methods on the Osage River between Bagnell Dam and U.S. Highway 54; and restricts fishing methods on a portion of Little Piney Creek in Phelps County.

(1) The following zones are closed to all fishing:

/(E) Osage River within seventy-five (75) yards of Bagnell Dam from March 15 through April 30.]

/(F) (E) Osage River/Lake of the Ozarks within five hundred twenty-five feet (525') on the left descending bank and nine hundred seventy-seven feet (977') on the right descending bank below Truman Dam in the U.S. Army Corps of Engineers' restricted zone.

/(G) (F) St. Francis River within two hundred twenty-five feet (225') below Wappapello Dam.

(2) Fish may be taken only by pole and line from:

/(A) Osage River within seventy-five (75) yards of Bagnell Dam from May 1 through March 14.]

/(B) (A) Blue Springs Lake, except that shad may be taken by dip net or throw net.

/(C) (B) Clarence Cannon Reregulation pool from the posted powerline crossing upstream to the no-boating zone four hundred feet (400') below Clarence Cannon Dam.

/(D) (C) Little Platte River between Smithville Dam and U.S. Highway 169.

/(E) (D) Longview Lake, except that shad may be taken by dip net or throw net.

/(F) (E) Sac River from below Stockton Dam to Highway 32.

/(G) (F) Salt River from below Clarence Cannon Reregulation Pool Dam to Route A.

/(H) (G) Lake Taneycomo between the closed zone seven hundred sixty feet (760') below Table Rock Dam to the mouth of Fall Creek.

(3) Fish may be taken by all prescribed methods except trotlines, throwlines and limb lines from:

(B) Osage River *[from seventy-five (75) yards]* below Bagnell Dam to U.S. Highway 54. Snagging, snaring and grabbing are also excluded in this zone *[from March 15 through April 30].*

(4) Fish may be taken by all prescribed methods except gig, crossbow and longbow on the following waters and as further restricted in subsections (5)(D), */(E), (I) and (J)] (F), (H), (K) and (L)* of this rule. Fish taken by gig, crossbow and longbow may not be possessed on these waters or the banks thereof.

(C) Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access.

[(C)] (D) North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Blair Bridge.

[(D)] (E) Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.

(5) Fish may be taken by all prescribed methods except that only flies and artificial lures may be used when fishing, and soft plastic baits and natural and scented baits are specifically prohibited in:

(H) Little Piney Creek from the Phelps County Line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access.

[(H)] (I) Meramec River in Crawford and Phelps counties from Highway 8 bridge to Scott's Ford.

[(I)] (J) Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney River including Wilkins Spring and spring branch.

[(J)] (K) North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Blair Bridge.

[(K)] (L) Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River.

[(L)] (M) Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.505 Black Bass. The department proposes to amend subsections (1)(C) and (4)(A) and (B).

PURPOSE: This amendment establishes more restrictive harvest of largemouth bass on Montrose Lake and clarifies geographic location of statewide 12 inch minimum length limit on black bass.

(1) Daily Limit: Six (6) in the aggregate, including smallmouth bass, largemouth bass, spotted bass and all black bass hybrids, except:

(C) The daily limit is two (2) black bass on Montrose Lake.

(4) Length Limits.

(A) Streams: All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the unimpounded portion of any stream, **including Pools 20-26 on the Mississippi River**, except as follows:

1. On Big River from the Highway 21 bridge (near Washington State Park) to its confluence with the Meramec River and Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, there is no length limit on spotted (Kentucky) bass.

2. On the Big Piney River from Slabtown Access to Ross Access, the Eleven Point River from Thomasville Access to the Arkansas line, the Meramec River from Scott's Ford to the railroad crossing at Bird's Nest, the Big River from the Highway 21 bridge (near Washington State Park) to its confluence with the Meramec River, Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek, all smallmouth bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.

3. On the Jacks Fork River from Highway 17 bridge to Highway 106 bridge and the Gasconade River from Highway Y bridge (Pulaski County) to Highway D bridge (Phelps County), all smallmouth bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught.

4. On the James River from Hooten Town bridge (Stone County Road A-90) to Highway 13 bridge, all smallmouth bass and largemouth bass less than fifteen inches (15") must be returned to the water unharmed immediately after being caught.

(B) Impoundments: No length limits, except:

1. All black bass less than fifteen (15") in total length must be returned to the water unharmed immediately after being caught from Blue Springs Lake, Long Branch Lake, Longview Lake, Mark Twain Lake, *[Montrose Lake]* Smithville Lake, Table Rock Lake, Thomas Hill Lake, Truman Lake or Stockton Lake.

2. All black bass less than thirteen inches (13") in total length must be returned to the water unharmed immediately after being caught from Pomme de Terre Lake.

3. All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the Clarence Cannon Reregulation Pool (below Mark Twain Lake dam).

4. All largemouth bass and smallmouth bass less than fifteen inches (15") and all spotted (Kentucky) bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from Bull Shoals Lake, Lake of the Ozarks or Norfork Lake.

5. All black bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught from Montrose Lake.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with

John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.510 Channel Catfish, Blue Catfish, Flathead Catfish. The department proposes to add subsection (1)(C).

PURPOSE: This amendment liberalizes the daily limits on channel catfish, blue catfish and flathead catfish on the Mississippi River.

(1) Daily Limit: Ten (10) channel catfish and blue catfish in the aggregate and five (5) flathead catfish, except:

(C) On the Mississippi River, the daily and possession limit it twenty (20) channel catfish and blue catfish in the aggregate and ten (10) flathead catfish.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.525 Paddlefish. The department proposes to amend section (3).

PURPOSE: This amendment lengthens the paddlefish snagging season on the Mississippi River.

(3) Seasons: March 15 [to] through April 30, except on the Mississippi River where the season is March 15 through May 15 and September 15 through December 15.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.530 Rock Bass (oggle-eye) and Warmouth. The department proposes to amend section (4).

PURPOSE: This amendment adds the popular name of rock bass (oggle-eye) and establishes minimum length limits in portions of the Eleven Point River and Osage Fork of the Gasconade River.

(4) Length Limits: No length limits, except:

(A) /a/ All rock bass less than nine inches (9") in total length must be returned to the water unharmed immediately after being caught on the Big Piney River from Highway 17 bridge to Sand Shoals bridge on the county road linking Routes AA and E.

(B) All rock bass less than eight inches (8") in total length must be returned to the water unharmed immediately after being caught on the Eleven Point River from Thomasville access to the Arkansas line and the Osage Fork of the Gasconade River from Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.535 Trout. The department proposes to amend subsections (1)(C) and (4)(C).

PURPOSE: This amendment establishes more restrictive harvest regulations on trout in a portion of the Little Piney Creek.

(1) Daily Limit: Five (5) *[rainbow trout and brown]* trout in the aggregate, except $/-$:

(C) The daily limit is one (1) trout in: Blue Spring Creek in Crawford County from Blue Spring to its confluence with Meramec River; Eleven Point River in Oregon County from its confluence with Greer Spring Branch to Turner Mill; **Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access;** Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River; Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch; and the North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Blair Bridge.

(4) Length Limits: No length limits, except $/-$:

(C) All trout less than eighteen inches (18") in total length must be released unharmed immediately after being caught from Blue Spring Creek in Crawford County from Blue Spring to its confluence with Meramec River; Eleven Point River in Oregon County from its confluence with Greer Spring Branch to Turner Mill; **Little Piney Creek from the Phelps County line in Sections 9 and 16 of T35N, R8W, including Piney Spring Branch and Lane Spring Branch, to Milldam Hollow Access;** Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River; Mill Creek in Phelps County from Yelton Spring to its confluence with Little Piney Creek including Wilkins Spring and spring branch; and North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Blair Bridge.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.545 White Bass, Yellow Bass, Striped Bass. The department proposes to amend sections (1) and (4) and add subsections (1)(B) and (4)(B).

PURPOSE: This amendment liberalizes the harvest restrictions on white bass, yellow bass, striped bass and their hybrids on the Mississippi River.

(1) Daily Limit: Fifteen (15) white bass, yellow bass, striped bass and their hybrids in the aggregate, except:

(A) */o/*On Thomas Hill Lake where the daily limit is four (4) in the aggregate.

(B) **On the Mississippi River where the daily and possession limit is thirty (30) in the aggregate.**

(4) Length Limits: No length limits, except the daily limit of white bass, yellow bass, striped bass and their hybrids may include not more than four (4) fish more than eighteen inches (18") in total length.

(A) On Thomas Hill Lake, all white bass, yellow bass, striped bass and their hybrids less than twenty inches (20") in total length must be returned to the water **unharmed** immediately after being caught.

(B) **On the Mississippi River, there is no length limit on white bass, yellow bass, striped bass and their hybrids.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.550 Other Fish. The department proposes to amend section (1), subsections (2)(B), (D), (E) and (F).

PURPOSE: This amendment liberalizes the daily limits on other fish and lengthens the season during which they may be taken by snagging, snaring or grabbing on the Mississippi River; clarifies inclusive dates and terminology.

(1) Daily Limit: The daily limit for fish, other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish, is fifty (50)*/J* in the aggregate, if taken by pole and line, trotline, throwline, limb line, bank line, jug line or */by/* underwater spearfishing. The daily limit if taken by gig, longbow, crossbow, snaring, snagging, grabbing and falconry is twenty (20) in the aggregate.

(A) In the Current River from Cedar Grove, downstream to the Arkansas line, the daily limit may include no more than five (5) hog suckers.

(B) **In the Mississippi River, the daily and possession limit for fish included in this rule is one hundred (100) in the aggregate.**

(2) Methods and Seasons.

(B) Fish included in this rule may be taken by snagging, snaring or grabbing from March 15 */to/* through May 15 and from September 15 */to/* through January 31, except */that in/*:

1. **In the Osage River downstream from U.S. Highway 54 to its confluence with the Missouri River and in the impounded**

waters of Lake of the Ozarks and Truman Lake, fish may be taken by these methods only from March 15 *[to]* through April 30.

2. In the Mississippi River, fish may be taken by these methods from March 15 through May 15 and from September 15 through December 15.

3. On Lake of the Ozarks and its tributaries, Osage River below U.S. Highway 54 and Truman Lake and its tributaries, no person shall continue to snag, snare or grab for any species after taking a daily limit of two (2) paddlefish.

(D) Fish included in this rule may be taken by gig from streams and impoundment between sunrise and midnight from September 15 *[to]* through January 31, and from impounded waters between sunrise and sunset throughout the remainder of the year.

(E) Fish included in this rule may be taken by crossbow or underwater spearfishing from impounded waters between sunrise and sunset throughout the year.

(F) Fish included in this rule may be taken from waters existing temporarily through overflow outside the banks of a river or ditch by gig, underwater spearfishing, longbow, crossbow, snagging or grabbing between sunrise and sunset throughout the year.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.615 Bullfrogs and Green Frogs. The department proposes to amend section (3).

PURPOSE: This amendment clarifies inclusive dates.

(3) Seasons: Sunset June 30 *[to midnight]* through October 31.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.410 Hunting Methods. The department proposes to amend subsections (1)(D), (H) and (I).

PURPOSE: This amendment corrects information relating to firearms deer hunting season.

(1) Wildlife may be hunted and taken only in accordance with the following:

(D) Dogs. Dogs may be used during the prescribed open seasons to chase, pursue or take wildlife except deer, turkey, mink, muskrat, beaver and river otter. All dogs used to hunt, chase or pursue wildlife shall wear a collar while hunting that contains the full name and address or complete telephone number of the owner, except this provision does not apply to dogs used by waterfowl and game bird hunters. Furbearers, squirrels and rabbits may not be chased, pursued or taken with dogs during daylight hours of the November portion of the firearms deer season in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(H) Special Firearms Provision. During the November and January portions of the firearms deer season, other wildlife may be hunted only with a shotgun and shot not larger than No. 4, except that this provision does not apply to waterfowl hunters, trappers or to a landowner on his/her land or to a lessee on the land on which s/he resides.

(I) Bows. Longbows and crossbows may be used to take wildlife during the prescribed hunting seasons. Arrows and bolts containing any drug, poison, chemical or explosive are prohibited, but illuminated sights, scopes and quickpoint sights may be used. Hand-held string releasing mechanisms are permitted with longbows.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.415 Quail: Seasons, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Quail may be taken from November 1 *to* through January 15. Daily limit: eight (8) quail; possession limit: sixteen (16) quail.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1973, effective Oct. 15, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.417 Ruffed Grouse: Seasons, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Ruffed grouse may be taken from October 15 *to* through January 15 in those parts of Boone, Callaway, Montgomery and Warren counties south of Interstate Highway 70, in that part of Macon County north of Highway 36, and in Adair, Carter, Crawford, Iron, Madison, Oregon, Putnam, Reynolds, Ripley, Ste. Genevieve, Shannon, Sullivan, Schuyler and Washington counties. Daily limit: two (2) ruffed grouse; possession limit: four (4) ruffed grouse.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Nov. 29, 1982, effective March 11, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.420 Rabbits: Seasons, Limits. The department proposes to amend section (1).

PURPOSE: This amendment clarifies inclusive dates.

(1) Cottontail and swamp rabbits may be taken between sunrise and sunset, from October 1 *to* through February 15. Daily limit: six (6) rabbits; including no more than two (2) swamp rabbits; possession limit: twelve (12) rabbits; including no more than four (4) swamp rabbits.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 23, 1970, effective Dec. 31, 1970. Amended: Filed Aug. 8, 1989, effective Sept. 11, 1989. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.425 Squirrels: Seasons, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Squirrels may be taken from the fourth Saturday in May *to* through January 15. Daily limit: six (6) squirrels; possession limit: twelve (12) squirrels.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.430 Pheasants: Seasons, Limits. The department proposes to amend sections (1) and (2).

PURPOSE: This amendment clarifies inclusive dates.

(1) Male pheasants may be taken from November 1 /to/ through January 15 north of U.S. Highway 36 from the Kansas line to the Illinois line, and those portions of DeKalb and Buchanan counties lying south of U.S. Highway 36, and all of Platte and St. Charles counties. Daily limit: two (2) male pheasants; possession limit: four (4) male pheasants.

(2) Male pheasants only may be taken from December 1 /to/ through December 12 in Dunklin, New Madrid, Pemiscot and Stoddard counties. Daily limit: one (1) male pheasant; possession limit: one (1) male pheasant.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.441 Crows: Seasons, Methods, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Crows may be taken in any numbers by shotgun, rifle, handguns, archery and falconry from November 1 /to/ through March 3.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1973, effective Oct. 10, 1973. Amended: Filed Aug. 1, 1980, effective Sept. 13, 1980. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.445 Bullfrogs: Seasons, Methods, Limits. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Bullfrogs and green frogs may be taken, possessed and transported from sunset, June 30/, to midnight,/ through October 31 by the holder of a hunting permit by means of a .22 caliber rimfire rifle or pistol or by pellet gun, longbow, crossbow, hand or handnet. An artificial light may be used. Daily limit: eight (8) frogs in the aggregate; possession limit: sixteen (16) frogs in the aggregate. Only the daily limit of frogs may be possessed upon the waters and banks thereof where daily limits apply.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1971, effective Dec. 31, 1971. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

Striped skunk, raccoon, opossum, badger, red fox, gray fox and bobcat may be taken in any numbers by hunting from November 20 /to/ through January 20 provided that bobcat may be taken only in that part of the state west and south of a line running west from the Illinois border on Interstate Highway 70 to U.S. Highway 63; north on U.S. Highway 63 to U.S. Highway 36; west on U.S. Highway 36 to U.S. Highway 65; north on U.S. Highway 65 to the Iowa border. Pelts of furbearers may be possessed, transported, consigned for processing and sold only by the taker from November 20 /to/ through February 4, except that bobcats or their pelts shall be delivered by the taker to an agent of the department in the county of harvest or any open county for registration or tagging before selling, transferring, tanning or mounting, but not later than February 4. Tagged bobcats or their pelts may be possessed throughout the year. It shall be illegal to purchase or sell untagged bobcats or their pelts. Other pelts may be delivered or shipped and consigned by the taker to a licensed taxidermist or

tanner before the close of the possession season for pelts. These pelts must be recorded by the taxidermist or tanner and shall not enter the raw fur market. After tanning, pelts may be possessed, bought or sold without permit. Skinned carcasses of legally taken furbearers may be sold by the taker throughout the year. Coyotes may be taken by hunting, and pelts and carcasses may be possessed, transported and sold in any numbers throughout the year; except that coyotes may not be chased, pursued or taken during daylight hours from April 1 through the day prior to the beginning of the prescribed spring turkey hunting season, and may not be chased, pursued or taken through the prescribed spring turkey hunting season, and no furbearers may be chased, pursued or taken during daylight hours with the aid of dogs from November 1 through the prescribed November portion of the firearms deer hunting season, during any extended firearms deer hunting season in deer management units open to hunting or with firearms from a boat at night, or be taken with the aid of an electronic call at night. The dens or nests of furbearers shall not be molested or destroyed. No person shall accept payment for furbearers taken by another.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the **Code of State Regulations**. Amended. Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. The department proposes to amend subsection (1)(C) of this rule.

PURPOSE: This amendment corrects an error in the current paragraph.

(1) Turkeys may be pursued, taken, killed, possessed or transported only as permitted in this rule.

(C) Fall Archery Season. A person possessing the prescribed archer's hunting permit may take two (2) turkeys of either sex from October 1 through January 15, excluding the dates of the **November portion of the firearms deer season**. Turkeys may be taken only by longbow; without the use of dogs, bait, recorded calls or live decoys; from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. An archer, while in the act of pursuing or hunting turkey on an archer's permit, shall not have a firearm on his/her person.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the **Code of State Regulations**. Amended. Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The department proposes to amend sections (1), (2) and paragraph (3)(D)1.

PURPOSE: This amendment clarifies a cross-reference, deletes reference to a specific variety of species of pheasants, and adds three species to the Approved Aquatic Species List.

(1) A maximum of five (5) specimens of any native wildlife not listed in 3 CSR 10-4.110(4) or 3 CSR 10-9.240, except endangered species, bats, hellbenders and alligator snapping turtles, may be taken and possessed alive by a resident of Missouri without permit, but these animals shall not be bought or sold. Bones, skins, shells and other parts of such wildlife may be possessed for personal use without permit, but these wildlife parts in any form shall not be bought or sold.

(2) Except for federally-designated endangered species and species listed in 3 CSR 10-9.240, the following may be bought, sold, possessed, transported and exhibited without permit: bison; amphibians, reptiles, and mammals not native to Missouri; and those birds (except ring-necked *and Korean* pheasants and gray partridge/s) not native to the continental United States.

(3) Fish, crayfish and salamanders may be bought, sold, transported, propagated, taken and possessed by any person without permit throughout the year in any number or size and by any method providing—

(D) That the privileges of this section apply only to species listed in the Approved Aquatic Species List (including all subspecies, varieties and hybrids of the same bought, sold, transported, propagated, taken and possessed for purposes of aquaculture), species frozen or processed for sale as food products, species incapable of surviving in fresh water, species held only in aquaria or other closed containers having water discharged only into approved municipal waste treatment facilities or on-site waste treatment systems that include sand filtration or chlorination, or with written authorization of the director.

1. Fishes.
 - A. Shovelnose sturgeon (*Scaphirhynchus platorynchus*)
 - B. Paddlefish (*Polyodon spathula*)
 - C. Spotted gar (*Lepisosteus oculatus*)
 - D. Longnose gar (*Lepisosteus osseus*)
 - E. Shortnose gar (*Lepisosteus platostomus*)
 - F. Bowfin (*Amia calva*)
 - G. Gizzard shad (*Dorosoma cepedianum*)
 - H. Threadfin shad (*Dorosoma petenense*)
 - I. Rainbow trout (*Oncorhynchus mykiss*)
 - J. Golden trout (*Oncorhynchus aquabonita*)

- K. Cutthroat trout (*Oncorhynchus clarkii*)
- L. Brown trout (*Salmo trutta*)
- M. Brook trout (*Salvelinus fontinalis*)
- N. Coho salmon (*Oncorhynchus kisutch*)
- O. Northern pike (*Esox lucius*)
- P. Muskelunge (*Esox masquinongy*)
- Q. Goldfish (*Carassius auratus*)
- R. Grass carp (*Ctenopharyngodon idella*)
- S. Common carp (*Cyprinus carpio*)
- T. Golden shiner (*Notemigonus crysoleucas*)
- U. Bluntnose minnow (*Pimephales notatus*)
- V. Fathead minnow (*Pimephales promelas*)
- W. Blue Sucker (*Cyclopterus elongatus*)**
- /W./ X. Bigmouth buffalo (*Ictiobus cyprinellus*)
- /X./ Y. Black bullhead (*Ameirus melas*)
- /Y./ Z. Yellow bullhead (*Ameirus natalis*)
- /Z./ AA. Brown bullhead (*Ameirus nebulosus*)
- /AA./ BB. Blue catfish (*Ictalurus furcatus*)
- /BB./ CC. Channel catfish (*Ictalurus punctatus*)
- /CC./ DD. Flathead catfish (*Pylodictis olivaris*)
- /DD./ EE. Mosquitofish (*Gambusia affinis*)
- /EE./ FF. White bass (*Morone chrysops*)
- /FF./ GG. Striped bass (*Morone saxatilis*)
- /GG./ HH. Green sunfish (*Lepomis cyanellus*)
- /HH./ II. Pumpkinseed (*Lepomis gibbosus*)
- /II./ JJ. Warmouth (*Lepomis gulosus*)
- /JJ./ KK. Orangespotted sunfish (*Lepomis humilis*)
- /KK./ LL. Bluegill (*Lepomis macrochirus*)
- /LL./ MM. Longear sunfish (*Lepomis megalotis*)
- /MM./ NN. Redear sunfish (*Lepomis microlophus*)
- /NN./ OO. Smallmouth bass (*Micropterus dolomieu*)
- /OO./ PP. Spotted bass (*Micropterus punctulatus*)
- /PP./ QQ. Largemouth bass (*Micropterus salmoides*)
- /QQ./ RR. White crappie (*Pomoxis annularis*)
- /RR./ SS. Black crappie (*Pomoxis nigro maculatus*)
- /SS./ TT. Yellow perch (*Perca flavescens*)
- UU. Sauger (*Stizostedion canadense*)
- /TT./ VV. Walleye (*Stizostedion vitreum*)
- WW. Freshwater drum (*Aplodinotus grunniens*)
- /UU./ XX. Bighead carp (*Hypophthalmichthys nobilis*)
- 2. Crustaceans.
 - A. Northern crayfish (*Orconectes virilis*)
 - B. White river crayfish (*Procambarus acutus*)
 - C. Red swamp crayfish (*Procambarus clarkii*)
- 3. Amphibians.
 - A. Tiger salamander larvae (*Ambystoma tigrinum*)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.230 Class I Wildlife. The department proposes to amend provisions of this rule.

PURPOSE: This amendment deletes reference to a specific variety of pheasants.

Class I wildlife shall include bullfrogs and green frogs and birds (including ring-necked *and Korean* pheasants and gray partridge(s)) native to the continental United States, and those species of mammals (except bison and those listed in 3 CSR 10-9.240) and nonvenomous reptiles and amphibians native to Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed June 5, 1996, effective Dec. 30, 1996. Amended: Filed May 10, 1999, effective March 1, 2000. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.420 Wildlife Hobby Permit. The department proposes to amend section (1).

PURPOSE: This amendment deletes reference to a specific variety of species of pheasants.

(1) A wildlife hobby permit authorizes the holder to purchase, possess and propagate not more than fifty (50) ring-necked *or Korean* pheasants and bobwhite quail, in the aggregate, for personal use only and not for sale; and to hold in captivity not more than one (1) game mammal purchased from a Missouri wildlife breeder permit holder, except that Class II wildlife, hoofed mammals and skunks may not be held under this permit. Game mammals may be held in captivity but may not be propagated or sold. This permit shall be obtained prior to receipt of wildlife. The permittee must furnish proof that game mammals and birds were legally obtained. Wildlife must be confined in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220. Wildlife may be disposed of only in accordance with instructions of an agent of the department but may not be released, sold or given away. The permittee is subject to all provisions of section 578.023, RSMo.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.620. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.625 Field and Retriever Trial Permit. The department proposes to amend sections (1) and (5).

PURPOSE: This amendment clarifies the use of dogs to chase and pursue wildlife.

(1) To conduct a field or retriever trial, application for a permit must be made to the department by a resident, and postmarked not less than ten (10) days prior to the trial. The application shall specify location of trial headquarters in Missouri, area where the trial will be held, type of wildlife to be **chased or pursued**, approximate number of hunters, approximate number of dogs and starting and closing dates, extending through a period of not more than ten (10) consecutive days for any single trial permit. Permits and conditions for trials at August A. Busch Memorial Conservation Area, St. Charles County, James A. Reed Memorial Wildlife Area, Jackson County, Pony Express Conservation Area, DeKalb County and Whetstone Creek Conservation Area, Callaway County, may be obtained from the respective area manager upon receipt of proper application postmarked not less than thirty (30) days prior to the trial.

(5) Except as otherwise provided in this rule, permits will not be valid for hound field trials during or five (5) days prior to the spring turkey or firearms deer hunting seasons except on established field trial areas. Permits for raccoon field trials will be valid during nighttime hours and provide for casting no more than four (4) dogs at one time during or five (5) days prior to the spring turkey hunting season. In field trials under permit, wildlife not prohibited in 3 CSR 10-7.410 may be **[pursued] chased** by dogs under control but may be **pursued and** taken only during the open seasons and only by persons possessing a valid hunting permit. The sponsoring organization shall issue identification bearing the field trial permit number to all persons without a valid hunting permit who enter dogs in a trial; provided, that this identification shall not be required for trials held entirely on one (1) contiguous tract of land where an agent of the department is provided with a complete list of the names and addresses of all participants before the trial.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.627 Dog Training Area Permit. The department proposes to amend provisions of this rule.

PURPOSE: This amendment reduces confusion among dog trainers that chukars are exotic partridge.

A dog training area permit is required to operate a dog training area, and to purchase, hold, release and shoot on the training area legally acquired pheasants, *[chukars]* exotic partridge and quail as an aid to dog training. Dog training areas shall be a single tract of land not more than twenty (20) acres in size and posted with signs, **which sign is incorporated into this rule by reference**, specified by the department. Shooting privileges shall be limited to the individual permittee and not more than two (2) training assistants, whose names shall be listed on the permit application and specified in the permit. All shooters shall possess the prescribed hunting permit. The permittee shall attach to each game bird killed on the area a leg band obtained from the department at a cost of ten dollars (\$10) per hundred (100) bands, and no game birds shall be transported from the area without the prescribed leg band. Fee: twenty dollars (\$20).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 31, 1965, effective Dec. 31, 1965. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED RULE

3 CSR 10-9.640 Licensed Trout Fishing Area Permit

PURPOSE: This rule establishes a Licensed Trout Fishing Area Permit.

To maintain and operate a licensed trout fishing area, and to stock legally acquired trout. Fee: one hundred dollars (\$100).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The permit established under this proposed rule will cost those business operations covered under the rule \$100 per year. It is expected that ten to twelve existing businesses will be affected by this requirement, for a total estimated private entity cost of \$1,000 to \$1,200.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3 - DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 9 - Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

FISCAL NOTE
PRIVATE ENTITY COSTS

Proposed Rule: **3 CSR 10-9.640 Licensed Trout Fishing Area Permit**
Prepared: April 24, 2000 by Department of Conservation
Affected Private Entities: Businesses operating a Licensed Trout Fishing Area

This permit will cost those business operations covered under the rule \$100 per year. It is expected that ten to twelve existing businesses will be affected by this requirement, for a total estimated private entity cost of \$1,000 to \$1,200.

<u>CLASSIFICATION</u>	<u>ANNUAL COST¹</u>	<u>FIVE-YEAR AGGREGATE COST²</u>
Licensed Trout Fishing Area Permittees	\$1,200.00	\$6,000.00

¹ Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

² Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED RULE

3 CSR 10-9.645 Licensed Trout Fishing Area Permit: Privileges, Requirements

PURPOSE: This rule delineates the privileges and requirements associated with the Licensed Trout Fishing Area Permit.

(1) A representative of the department shall inspect each proposed licensed trout fishing area to determine that it meets all requirements of this rule before a permit is issued.

(2) Permits will not be issued for water areas where:

(A) The department manages trout populations that are maintained by stocking or natural reproduction.

(B) The release of trout is likely to jeopardize any wildlife designated as a state or federal threatened or endangered species.

(C) There is not year-round trout habitat.

(3) A permittee may release legally acquired rainbow trout or brown trout for fishing and harvest throughout the year, under the following conditions:

(A) The immediate source of the trout to be stocked must be certified as negative for Viral Hemorrhagic Septicemia, Infectious Pancreatic Necrosis, Infectious Hematopoietic Necrosis, *Myxobolus cerebralis* or other diseases which may threaten fish stocks within the state. Certification will only be accepted from federal, state or industry personnel approved by the department and only in accordance with provisions of the fish importation permit regulations (see 3 CSR 10-9.110(4)).

(B) The permittee shall keep an accurate record of all trout of each species acquired, propagated, sold, held and released. These records shall be subject to inspection by an authorized agent of the department at any reasonable time. The permittee shall provide each customer or guest with a receipt indicating the date and number of trout taken. Customers or guests must retain this receipt during transport and storage of the trout.

(4) Customers or guests may fish for and take rainbow trout and brown trout in any numbers within the licensed trout fishing area without additional permits.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.707 Fur Dealer's Permit. The department proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies inclusive dates.

To buy, sell, possess, process, transport and ship the pelts and carcasses of furbearers from July 1 *to* through June 30. Fee: three hundred dollars (\$300).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.782 Commercial Musseling: Seasons, Methods. The department proposes to amend section (1).

PURPOSE: This amendment clarifies inclusive dates.

(1) Mussels may be taken for commercial purposes from sunrise to sunset from April 1 *to* through August 31, only by hand or brail. Brails must be less than twenty feet (20') in length and only three (3) brails per boat may be possessed. Mussels may not be possessed on waters open to commercial musseling during hours closed to harvest. Commercial musselers may possess mussels only from April 1 *to* through September 15. All endangered species, regardless of size, all washboard mussels (*Megalonaia nervosa*), all threeridge mussels (*Amblema plicata*) that can pass through a ring with an inside diameter of three inches (3"), all mapleleaf mussels (*Quadrula quadrula*) that can pass through a ring with an inside diameter of two and three-fourths inches (2 3/4") and all other mussels that can pass through a ring with an inside diameter of two and one-half inches (2 1/2") must be returned unharmed immediately to the bed where taken. Mussels may be taken in any numbers by the holder of a commercial musseling permit from commercial waters. Mussels may not be taken or possessed in Pool 24 of the Mississippi River west of the navigation channel.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 28, 1992, effective Feb. 26, 1993. For intervening history, please consult the **Code of State Regulations**. Amended. Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Definitions

PROPOSED AMENDMENT

3 CSR 10-11.805 Definitions. The department proposes to amend sections (11), (14) (18) and (20)–(49).

PURPOSE: This amendment clarifies several definitions and improves the consistency of wording within the Wildlife Code.

(11) **Commission:** The Conservation Commission as *[established by the Constitution]* specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of the *Constitution of Missouri* (see also Article IV, Section 12).

(14) **Department:** The Department of Conservation as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of *[the state constitution]* *Constitution of Missouri* (see also Article IV, Section 12).

(18) **Field or retriever trials:** An organized contest, demonstration or trial of dogs where prizes or awards of any kind are offered and where dogs under control are used to **chase**, pursue or retrieve wildlife.

(20) Flies, lures and baits: The following are authorized for use except where restricted in 3 CSR 10-4.115, 3 CSR 10-4.116, 3 CSR 10-6.415, and 3 CSR 10-6.535:

(A) **Fly**—A lure constructed on a single-point hook, of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon or nylon thread or floss, with or without spinner.

(B) **Artificial lure**—A manufactured lure other than a fly or soft plastic bait (unscented).

(C) **Soft plastic bait (unscented)**—Synthetic eggs, synthetic worms, synthetic grubs and soft plastic lures.

(D) **Natural and scented baits**—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn and other food substances not containing any ingredient to stupefy, injure or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell and any fly, lure or bait containing or used with such substances.

(21) Furbearing animals: furbearers: mink, muskrat, opossum, river otter, striped skunk, spotted skunk *[(civet cat)]*, bad-

ger, beaver, raccoon, *[weasel (ermine)]* long-tailed weasel, red fox, gray fox, bobcat, mountain lion, black bear and coyote.

(22) Game birds: Geese, ducks, ring-necked *[and Korean]* pheasant, gray partridge, ruffed grouse, wild turkey, northern bobwhite quail, Virginia rail, sora rail, American coot, American woodcock, common snipe, mourning dove and crows.

(23) Game fish: Shall include the following in which the common names are to be interpreted as descriptive of, but not limiting, the classification by Latin names:

(A) *Ambloplites*, all species of **rock bass**, commonly known as *[rock bass]* goggle-eye, redeye, *[goggle-eye]* shadow bass, Ozark bass.

(B) *Lepomis gulosis*, commonly known as warmouth bass.

(C) *Esox*, *[those]* all species commonly known as muskellunge, tiger muskie, muskie-pike, hybrid, northern pike, chain pickerel, grass pickerel.

(D) *Ictalurus*, all species except bullheads, commonly known as channel catfish, blue catfish, Mississippi cat, Fulton cat, spotted cat, white cat, willow cat, fiddler cat.

(E) *Micropterus*, all species of black bass **and their hybrids**, commonly known as largemouth bass, lineside bass, smallmouth bass, brown bass, Kentucky bass, spotted bass.

(F) *Polyodon*, all species, commonly known as paddlefish, spoonbill.

(G) *Pomoxis*, all species, commonly known as crappie, white crappie, black crappie.

(H) *Pylodictis*, commonly known as flathead catfish, goujon, yellow cat, river cat.

(I) *Morone*, all species **and their hybrids**, commonly known as white bass, yellow bass, striped bass.

(J) *Oncorhynchus* and *Salmo*, all species commonly known as salmon and trout.

(K) *Stizostedion*, all species **and their hybrids**, commonly known as walleye, pike perch, jack salmon, sauger.

(24) Game mammals: Deer, fox squirrel, gray squirrel, groundhog (woodchuck), cottontail rabbit, swamp rabbit, jack rabbits, *[bears and also the following furbearers: mink, muskrat, opossum, otter, striped skunk, spotted skunk (civet cat), badger, beaver, raccoon, weasel (ermine), red fox, gray fox, bobcat and coyote]* and furbearers as defined.

(25) Grab: The act of snagging or attempting to snag a fish by means of a pole, line and hook manipulated by hand.

(26) Hook: Single- or multiple-pronged hooks and the ordinary artificial lures with attached single- or multiple-pronged hooks and dropper flies. A multiple-pronged hook or two (2) or more hooks employed to hold a single bait, shall be considered a single hook in counting the allowable total in use.

(27) Landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. Except as provided in 3 CSR 10-7.435, in the case of corporate ownership, this definition shall apply only to those corporate shareholders who reside on lands held by the corporation.

(28) Length of fish: Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together. The length of paddlefish is measured from the eye to the fork of the tail. The length of sturgeon is measured from the tip of the snout to the fork of the tail.

/(28) (29) Lessee: Any Missouri resident who resides on at least five (5) acres of land in one (1) continuous tract owned by others, or any member of the immediate household whose legal residence *[or]* and domicile is the same as the lessee's for at least thirty (30) days last past.

/(29) (30) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.

/(30) (31) Longbow: A bow drawn and held by hand and not fastened to a stock nor to any other device which maintains the bow in a drawn position. *[Hand-held string releasing mechanisms are permitted.]* This definition includes compound bows.

/(31) (32) Managed deer hunt: A prescribed deer hunt conducted on a designated *[conservation areas, state parks, national wildlife refuges, military bases and city or county properties]* area for which harvest methods, harvest quotas and numbers of participants are determined annually and presented in the deer hunting rule (3 CSR 10-7.435).

/(32) (33) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

/(33) (34) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

/(34) (35) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

/(35) (36) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

/(36) (37) Open season: That time when the pursuing and taking of wildlife is permitted.

/(37) (38) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111 or defined in this rule as game fish.

/(38) (39) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

/(39) (40) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod or fly rod, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing or trotlines or other tackle normally attached in a fixed position.

/(40) (41) Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

/(41) (42) Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county or municipal funds or labor.

/(42) (43) Pursue or pursued: Includes the act of trying to find, to seek or to diligently search for wildlife for the purpose of taking this wildlife.

/(43) (44) Sell: To exchange for compensation in any material form and the term shall include offering for sale.

/(44) (45) Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater, *[but does not include devices powered by explosive substances].*

/(45) (46) Store and storage: Shall also include chilling, freezing and other processing.

/(46) (47) Take or taking: Includes killing, trapping, snaring, netting or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting or use of any net, trap, device, contrivance or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

/(47) (48) Transport and transportation: All carrying or moving or causing to be carried or moved from one (1) point to another, regardless of distance, vehicle or manner, and includes offering or receiving for transport or transit.

/(48) Trout lures: The following classes of lures are authorized for use in trout fishing waters, except where restricted in 3 CSR 10-4.115, 3 CSR 10-4.116, 3 CSR 10-6.415 and 3 CSR 10-6.535:

(A) Fly—A lure constructed on a single-point hook, of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon or nylon thread or floss, with or without spinner.

(B) Artificial lure—A manufactured lure other than a fly or soft plastic bait (unscented).

(C) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs and soft plastic lures.

(D) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn and other food substances not containing any ingredient to stupefy, injure or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell and any fly, lure or bait containing or used with such substances.]

(49) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear. *[Spears propelled by explosive substances may not be used.]*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

PROPOSED AMENDMENT

4 CSR 240-2.125 Procedures for Alternative Dispute Resolution. The commission is adding section (7).

PURPOSE: This amendment will establish procedures for arbitrations conducted by the commission, particularly pursuant to the Telecommunications Act of 1996, 47 U.S.C. section 252.

(7) Arbitration.

(A) The commission may arbitrate a dispute between two (2) or more parties, either pursuant to statutory authority or with the consent of all parties.

(B) An arbitration shall not be conducted as a contested case. Except as otherwise provided herein, no other sections of the commission's procedural rules shall apply to an arbitration. No intervention or briefs *amicus curiae* shall be allowed in an arbitration. No discovery shall be allowed in an arbitration except as the commission may order. On its own motion or on the motion of any party, the commission may issue a protective order to safeguard confidential or proprietary information from disclosure. An arbitration shall be closed to the public and records concerning an arbitration shall be closed records.

(C) An arbitration shall be commenced by the filing of a unanimous agreement to arbitrate or, in cases in which arbitration is mandated by law, by the filing of a petition requesting arbitration.

1. A unanimous agreement to arbitrate shall be executed by all parties and shall include:

A. A waiver by each party of its rights under the statutes and the commission's practice rules pertaining to contested cases to engage in discovery, to have an evidentiary hearing, to present evidence, to cross-examine witnesses, and to seek rehearing or reconsideration;

B. A statement setting out the commission's jurisdiction over the parties and the issues, including any applicable dates or time limits relevant to the arbitration;

C. A statement of the issue or issues presented to the commission for arbitration; and

D. A proposed procedural schedule suggesting a date for all significant procedural events, which shall include an initial arbitration conference, the filing of position statements, the submission of a staff report and recommendation, an oral presentation, and the filing of briefs.

2. A petition for arbitration shall be served by the petitioner upon the respondent prior to filing with the commission and shall include:

A. A statement setting out the commission's jurisdiction over the parties and the issues, including any applicable dates or time limits relevant to the arbitration, and a citation to any provisions authorizing the commission to arbitrate the parties' dispute without their consent;

B. A statement of the issue or issues presented to the commission for arbitration;

C. A statement of the position of each party on each issue presented to the commission for arbitration, so far as known;

D. A statement of the facts and authorities considered by petitioner to support its position;

E. A certificate signed by the petitioner or the petitioner's attorney showing the date and manner of service of the petition upon the respondent; and

F. Any other matter required or permitted by law.

(D) In an arbitration initiated by filing a petition, the respondent or respondents shall have twenty-five (25) days from the date the petition is filed with the commission within which to file an answer.

1. The answer shall be served by the respondent upon the petitioner prior to filing with the commission and shall include:

A. A response to the statement setting out the commission's jurisdiction contained in the petition;

B. A response to the statement of the issue or issues presented to the commission for arbitration contained in the petition, including any additional issue or issues, the resolution of which is necessary for resolution of the issue or issues presented by the petition;

C. A response to the statement of the positions of the parties on each issue, including such correction or amplification as may be desired;

D. A statement of the facts and authorities considered by the respondent to support its position;

E. A certificate signed by the respondent or the respondent's attorney showing the date and manner of service of the answer upon the petitioner; and

F. Any other matter required or permitted by law.

2. In any arbitration in which the answer presents additional issues for resolution, the petitioner shall, not later than ten (10) days after the filing of the answer, file a reply to those additional issues and serve the reply upon the respondent. The reply need not include a statement of jurisdiction or a response thereto.

3. Upon the filing of the answer, or upon the filing of the reply in an arbitration in which a reply is filed, the commission shall issue a procedural schedule setting dates for all significant procedural events, including the submission of a staff report and recommendation, an oral presentation, and the filing of briefs.

(E) In any arbitration:

1. The commission's staff shall not be a party but shall serve solely in an advisory capacity to the commission.

2. The commission may direct the staff to investigate and consider the positions of the parties on each issue and the facts and authorities referred to by the parties in support of their positions, rendering a report and recommendation to the commission on or before the date set in the procedural schedule.

A. The staff shall serve a copy of its report and recommendation upon each party and any party may file a response to the staff's report and recommendation within ten (10) days of receipt thereof. Any such response shall include a certificate signed by the party or the party's attorney showing the date and manner of service of the response upon all other parties.

B. In its investigation and consideration of the positions of the parties on each issue and the facts and authorities referred to by the parties in support of their positions, the staff shall have authority to seek discovery from any party pursuant to commission rule.

3. The commission may designate a special master or neutral third party to preside over the arbitration. Such special master or neutral third party may be any person deemed qualified and appropriate by the commission, whether or not the person is an employee of the commission. The order designating the special master or neutral third party shall state the scope of the authority delegated to the special master or neutral third party.

(F) In any arbitration, the commission may convene an oral presentation at which each party shall be permitted to make a statement in support of its position on each issue, in opposition to any other party's position on any issue, and in support or opposition to staff's report and recommendation, if any. The length of the statements of the parties shall be set by the com-

mission. The commission may question the parties and their representatives and may question staff concerning its report and recommendation, if any.

(G) In any arbitration, the commission may permit each party to file written arguments or briefs in support of its position on each issue, in opposition to any other party's position on any issue, and in support or opposition to staff's report and recommendation. The scheduling for the filing of such written arguments or briefs, and the length and format thereof, shall be set by the commission.

(H) In any arbitration, the commission shall render a decision resolving each issue submitted for arbitration by adopting the position proposed by one of the parties according to the information available to it and the standards imposed by law. The position adopted by the commission shall be the best of those proposed by the parties.

AUTHORITY: section 386.410, RSMo Supp. [1998] 1999. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed April 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. Comments should refer to Case No. AX-2000-644 and be filed with an original and eight copies. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—Urban and Teacher Education
Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED RESCISSON

5 CSR 80-800.010 Certification Standards for Teachers in Missouri Public Schools. This rule detailed the application process, certification standard and qualification for certificates of license to teach.

PURPOSE: This rule is being rescinded and resubmitted as other rules are being proposed.

AUTHORITY: sections 161.092, 168.011, 168.021 and 168.400, RSMo 1994. Original rule filed June 27, 1972, effective July 7, 1972. Amended: Filed May 21, 1976, effective Oct. 1, 1976. Amended: Filed June 27, 1977, effective Oct. 17, 1977. Amended: Filed Feb. 27, 1978, effective Sept. 1, 1978. Amended: Filed Oct. 31, 1978, effective Feb. 15, 1979. Amended: Filed July 13, 1979, effective Oct. 12, 1979. Amended: Filed Dec. 28, 1979, effective April 14, 1980. Amended: Filed July 1, 1980, effective Nov. 14, 1980. Amended: Filed May 11, 1983, effective Aug. 15, 1983. Amended: Filed March 20, 1984, effective Aug. 13, 1984. Amended: Filed March 8, 1985, effective July 1, 1985. Amended: Filed Sept. 16, 1985, effective Dec. 26, 1985. Amended: Filed Oct. 29, 1986, effective Feb. 12, 1987. Amended: Filed Oct. 30, 1987, effective March 25, 1988. Amended: Filed Aug. 1, 1988, effective Nov. 25, 1988. Amended: Filed Dec. 22, 1988, effective

April 27, 1989. Amended: Filed Aug. 1, 1989, effective Nov. 27, 1989. Amended: Filed Nov. 30, 1989, effective March 26, 1990. Amended: Filed Feb. 27, 1990, effective June 28, 1990. Emergency amendment filed Aug. 17, 1990, effective Aug. 27, 1990, expired Dec. 25, 1990. Amended: Filed Aug. 17, 1990, effective Feb. 14, 1991. Amended: Filed May 23, 1991, effective Dec. 9, 1991. Amended: Filed Jan. 28, 1992, effective Aug. 6, 1992. Amended: Filed Sept. 23, 1992, effective May 5, 1993. Amended: Filed April 28, 1994, effective Nov. 30, 1994. Amended: Filed May 24, 1995, effective Dec. 30, 1995. Amended: Filed July 17, 1996, effective Feb. 28, 1997. Amended: Filed Jan. 25, 1998, effective Sept. 30, 1998. Rescinded: Filed April 26, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—Urban and Teacher Education
Chapter 800—Teacher Certification and Professional Conduct and Investigations

PROPOSED RULE

5 CSR 80-800.200 Application for Certificate of License to Teach and/or Endorsement

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a certificate of license to teach where the applicant has a recommendation from a state-approved teacher preparation program or has earned a Doctor of Philosophy degree.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a Doctor of Philosophy degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher

Certification Section of the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(5) An applicant for a Missouri certificate of license to teach who has successfully completed a state-approved teacher preparation program must comply with the following additional criteria:

(A) The applicant must possess a baccalaureate degree from an accredited college or university;

(B) The applicant must possess an overall grade point average of 2.5 or higher on a 4.0 scale;

(C) The applicant must request and obtain the recommendation of the designated certification official from a state-approved baccalaureate or higher level teacher preparation program; and

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to the Department of Elementary and Secondary Education (DESE).

(6) In addition to the above criteria, an applicant for a Missouri certificate of license to teach who has successfully obtained certification by the National Board for Professional Teaching Standards (NBPTS) and possesses good moral character may be granted a Missouri certificate of license to teach in their area of NBPTS certification most closely aligned with the current areas of certification approved by the board. The certificate of license to teach will be a professional classification II (PC II) or a continuous professional classification (CPC), if the applicant possesses a masters degree.

(7) An applicant for an initial Missouri certificate of license to teach who has earned a Doctor of Philosophy degree (Ph.D.) from an institution of higher education accredited by a regional accreditation agency including but not limited to North Central Association of Colleges and Schools must comply with the following additional criteria:

(A) The applicant must have completed and provide documentation of a valid Ph.D. degree being conferred in their major area of post-graduate study;

(B) The applicant may only be granted a professional classification I (PC I) level and/or a PC II level certificate of license to teach pursuant to the rules promulgated by the board. A CPC level certificate of license to teach will not be issued; and

(C) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(8) Endorsements or additional certificates of license to teach may be granted as follows:

(A) The applicant may take the appropriate content knowledge or specialty area exit assessment(s) for certification and must achieve a score equal to or in excess of the qualifying score on the content knowledge or specialty area exit assessment(s) as defined in the rules promulgated by the board; or

(B) If the board has not designated a content knowledge or specialty area exit assessment(s) for a particular certification area or grade level or the applicant chooses not to take the appropriate content knowledge or specialty area exit assessment(s), the applicant must meet the certification standards for the area of certification and/or endorsement area as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(9) Following review by the department, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(10) The holder of a certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMO 1994 and 168.021 and 168.071, RSMO Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$17,390 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for a certificate of license to teach, \$414,380 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 16,515 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22 and \$47 for each individual out-state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.200 Application for Certificate of License to Teach and/or Endorsement

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 17,390 per year for the life of the rule

III. WORKSHEET

\$17,390 includes the cost for approximately 16,515 applications, printing, duplication, and mailing, associated with certificate of license to teach applications.

IV. ASSUMPTIONS

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.200 Application for Certificate of License to Teach and/or Endorsement

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
16,515 per year	Applicants for Certificates of License to Teach including provisional and PhD applicants	\$ 414,380 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 14,473 in-state applications = \$318,406 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 2042 applications = \$95,974 per year for out-state applications.

Total

\$318,406 + \$95,974 = \$414,380 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RESCISSION

5 CSR 80-800.210 Application for Certificate of License to Teach and/or Endorsement for Individuals Possessing a Certificate of License to Teach from Another State. This rule detailed the application process for out-of-state certificates of license to teach.

PURPOSE: *This rule is being rescinded and resubmitted as other rules are being proposed.*

AUTHORITY: sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1998. Emergency rule filed March 22, 1999, effective April 1, 1999, expired Sept. 27, 1999. Original rule filed March 22, 1999, effective Sept. 30, 1999. Rescinded: Filed April 26, 2000.

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

5 CSR 80-800.220 Application for Certificate of License to Teach and/or Endorsement for Administrators

PURPOSE: *The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a certificate of license to teach for school administrators including superintendent, principal, advanced principal, special education administrator and vocational director.*

PUBLISHER'S NOTE: *The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.*

(1) An applicant for an administrator may be granted an administrator certificate of license to teach in the following areas subject to the specific certification requirements found in the *Compendium*

of Missouri Certification Requirements which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the board, to an individual who possesses good moral character:

- (A) Superintendent, grades K-12;
- (B) Principal, grades K-8; grades 5-9; and/or grades 9-12;
- (C) Advanced principal, grades K-8; grades 5-9; and/or grades 9-12;
- (D) Special education administrator, grades K-12; and/or
- (E) Vocational director.

(2) Applications for an administrator Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher Certification Section of the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(4) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved baccalaureate or higher level teacher preparation program.

(5) The applicant must possess a baccalaureate degree from a state-approved teacher preparation program.

(6) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to the Department of Elementary and Secondary Education (DESE).

(7) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(8) The applicant for an administrator certificate of license to teach as a superintendent must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official from a state-approved educational specialist or advanced degree program for the preparation of superintendents; and

(B) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(9) The applicant for an administrator certificate of license to teach as a principal must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters in educational administration or higher level program for the preparation of principals;

(B) The applicant must possess a masters degree or higher from a state-approved program for the preparation of principals;

(C) The applicant must possess two (2) years of teaching experience; and

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(10) The applicant for an administrator certificate of license to teach as an advanced principal must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters in educational administration or higher level program for the preparation of principals;

(B) The applicant shall complete a planned program of at least thirty (30) semester hours of graduate credit culminating in an educational specialist or doctoral degree with a major emphasis in educational administration from a state-approved program for the preparation of principals;

(C) The applicant must possess two (2) years of teaching experience; and

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(11) The applicant for an administrator certificate of license to teach as a special education administrator must comply with the following additional criteria:

(A) The applicant must possess a masters degree or higher from a state-approved program in educational administration, special education or a related field;

(B) The applicant must possess or be eligible to possess a certificate of license to teach in an area of special education;

(C) The applicant must possess two (2) years of teaching experience;

(D) The applicant shall submit an official transcript showing completion of nine (9) semester hours of graduate course work in special education, with two (2) of the nine (9) semester hours focused on special education administration; and

(E) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(12) The applicant for an administrator certificate of license to teach as a vocational director must comply with the following additional criteria:

(A) The applicant must possess a masters degree or higher from a state-approved college or university;

(B) The applicant must possess a valid Missouri certificate of license to teach in the content area of secondary education and/or vocational-technical;

(C) The applicant must possess three (3) years of full-time teaching experience at the level grade 7-adult, as approved by the department;

(D) The applicant must possess two (2) years of full-time teaching experience in practical arts or vocational-technical education; and

(E) The applicant must possess two (2) years of full-time work experience outside of education.

(13) An applicant for a Missouri administrator certificate of license to teach who possesses a valid administrator certificate of license to teach from another state and possesses good moral char-

acter may be granted a Missouri administrator certificate of license to teach.

(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(14) Following review by the department, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(15) An administrator certificate of license to teach may be issued for a principal for a period of five (5) years and may be renewed once for an additional five (5) years. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Submission of an official transcript showing fifteen (15) graduate semester hours toward a two (2)-year graduate program culminating in an educational specialist or doctoral degree with a major emphasis in educational administration from a state-approved program for the preparation of principals; and

(C) Submission of a letter from the designated certification official at a state-approved college or university that the individual has completed the fifteen (15) hours towards their educational specialist or doctoral degree with a major emphasis in educational administration.

(16) An administrator certificate of license to teach may be issued for an advanced principal and/or superintendent for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach; and

(B) Documentation of five (5) years experience in school administration during the previous ten (10) years.

(17) If a superintendent or advanced principal seeks to renew an administrator certificate of license to teach, however, the individual has not been employed as a school administrator for five (5) years of the previous ten (10) years, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing six (6) graduate semester hours appropriate for administrators from a state-approved college or university or documentation verifying a professional development plan equivalent to six (6) graduate semester hours as approved by DESE.

(18) An administrator certificate of license to teach may be issued for a special education administrator for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach; and

(B) Documentation of five (5) or more years of experience as a special education administrator during the previous ten (10) years.

(19) If a special education administrator seeks to renew their administrator certificate of license to teach, however, the individual has not been employed as a special education administrator for five (5) years in the previous ten (10) years, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing six (6) graduate semester hours appropriate for administrators from a state-approved college or university.

(20) An administrator certificate of license to teach may be issued for a vocational director for a period of five (5) years and may be renewed for an additional five (5) years. The requirements for renewal are as follows:

(A) Completion of the Vocational Leadership Academy focused upon general and vocational administration from a state-approved college or university to prepare vocational education administrators. The Vocational Leadership Academy shall include the competencies identified for the certificate of license to teach;

(B) Achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to DESE;

(C) Annual memberships in the state and national vocational school administrators' professional organizations, Missouri Council of Vocational Administrators (MCVA) and National Council of Local Administrators (NCLA), including participation in at least three (3) annual state and/or national meetings of professional, vocational education organizations;

(D) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least thirty (30) clock hours; and

(E) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(21) A ten (10)-year administrator certificate of license to teach as a vocational director may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Annual memberships in the state and national vocational school administrators' professional organizations, MCVA and NCLA, including participation in at least eight (8) annual state and/or national meetings of professional, vocational education organizations;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(C) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(D) Evidence of six (6) graduate semester hours toward an advanced degree from a state-approved college or university.

(22) The ten (10)-year administrator certificate of license to teach as a vocational director may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school administration during the previous ten (10) years;

(B) Annual memberships in the state and national vocational school administrators' professional organizations, MCVA and NCLA, including participation in at least eight (8) annual state

and/or national meetings of professional, vocational education organizations;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least sixty (60) clock hours;

(D) Participation in two (2) accreditation-evaluations of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of one of the following:

1. An advanced degree; or

2. A Professional Development Agreement approved by the assistant commissioner of Vocational and Adult Education that includes graduate courses and/or professional development activities equivalent to nine (9) semester hours of graduate credit.

(23) The holder of an administrator certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an administrator certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an administrator certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$1,363.64 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for an administrator certificate of license to teach, \$35,415 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 1,295 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22.00 and \$47.00 for each individual out-state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.220 Application for Certificate of License to Teach and/or Endorsement for Administrators

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 1,363.64 per year for the life of the rule

III. WORKSHEET

\$1,363.64 per year includes the cost for approximately 1,295 applications, printing, duplication, and mailing associated with administrator applications.

IV. ASSUMPTIONS

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.220 Application for Certificate of License to Teach and/or Endorsement for Administrators

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,295 per year	Applicants for an Administrator Certificate of License to Teach	\$35,415 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 1018 in-state applications = \$22,396.00 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 277 applications = \$13,019.00 per year for out-state applications.

Total

\$22,396.00 + \$13,019.00 = \$35,415.00 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

**5 CSR 80-800.230 Application for a Pupil Personnel Services
Certificate of License to Teach and/or Endorsement**

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a pupil personnel services certificate of license to teach for counselors, advanced counselors, school psychological examiners, school psychologists, vocational adult education supervisors, post-secondary vocational counselors, placement coordinators and vocational evaluators.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An applicant for a pupil personnel services certificate of license to teach may be granted in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the board, to an individual who possesses good moral character:

- (A) School counselor, grades K-8, grades 9-12, and/or K-12;
- (B) Advanced school counselor, grades K-12;
- (C) School psychological examiner, grades K-12;
- (D) School psychologist, grades K-12 ;
- (E) Vocational adult education supervisor;
- (F) Post-secondary vocational counselor;
- (G) Placement coordinator; and/or
- (H) Vocational evaluator.

(2) Applications for a pupil personnel services Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher Certification Section of the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a

certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(5) The applicant for a pupil personnel services certificate of license to teach as a school counselor, advanced school counselor, school psychological examiner, and/or school psychologist must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters or higher level school counselor, school psychological examiner, or school psychologist preparation program;

(B) The applicant must possess a masters or higher degree from a state-approved school counselor, school psychological examiner, or school psychologist preparation program; and

(C) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to the Department of Elementary and Secondary Education (DESE).

(6) The applicant for a pupil personnel services certificate of license to teach as an advanced school counselor must comply with the following additional criteria:

(A) The applicant shall request and obtain the recommendation of the designated certification official for a state-approved masters in guidance and counseling or higher level program for the preparation of school counselors;

(B) The applicant shall complete a planned program of at least thirty (30) semester hours of graduate credit culminating in an educational specialist or doctoral degree with a major emphasis in guidance and counseling from a state-approved program for the preparation of school counselors; and

(C) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(7) The applicant for a pupil personnel services certificate of license to teach as a vocational adult education supervisor must comply with the following additional criteria:

(A) The applicant must possess a baccalaureate level or higher degree from a state-approved college or university; and

(B) The applicant must possess two (2) years of full-time work experience outside of teaching.

(8) The applicant for a pupil personnel services certificate of license to teach as a post-secondary vocational counselor must comply with the following additional criteria:

(A) The applicant must possess a masters or higher level degree in guidance and counseling, rehabilitation counseling or educational and counseling psychology from a state-approved college or university;

(B) The applicant must possess two (2) years of teaching or counseling experience; and

(C) The applicant must possess one (1) year of paid employment other than teaching or counseling.

(9) The applicant for a pupil personnel services certificate of license to teach as a placement coordinator must comply with the following additional criteria:

(A) The applicant must possess a minimum of one (1) year of appropriate business or industrial experience, which uniquely qualifies the individual for the position of a placement coordinator; and

(B) The applicant must possess a valid, unencumbered, undisciplined professional license or certificate from Missouri as a counselor; or

(C) The applicant must possess a Missouri certificate of license to teach as a counselor; or

(D) The applicant must possess a Missouri certificate of license to teach as a vocational teacher.

(10) The applicant for a pupil personnel services certificate of license to teach as a vocational evaluator must comply with the following additional criteria:

(A) The applicant must possess a masters or higher level degree in vocational evaluation, counseling, or a closely related area from a state-approved college or university or possess a baccalaureate degree in rehabilitation services with an emphasis in vocational evaluation from a state-approved college or university; and

(B) The applicant must possess twenty-four (24) months of full-time work experience outside of education.

(11) Additional certificates of license to teach may be granted pursuant to rules promulgated by the board.

(12) An applicant for a Missouri pupil personnel services certificate of license to teach who possesses a valid certificate of license to teach from another state closely aligned to a current certification area approved by the board and possesses good moral character may be granted a Missouri certificate of license to teach.

(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(13) Following review by the department, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(14) A pupil personnel services certificate of license to teach may be issued for a school counselor, school psychological examiner and/or school psychologist for a period of five (5) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor, school psychological examiner, or school psychologist in a school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by the department; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university; or documentation verifying ninety (90) clock hours

of professional workshops/in-services appropriate for school counselors, school psychological examiners, or school psychologists.

(15) A pupil services certificate of license to teach may be issued for an advanced school counselor for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor in school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by the department; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to counselors from a state-approved college or university appropriate to school counselors or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors.

(16) If a school counselor, advanced school counselor, school psychological examiner, and/or school psychologist seeks to renew their pupil personnel services certificate of license to teach, however, the individual has not been employed in a school setting, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing eight (8) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university.

(17) A pupil personnel services certificate of license to teach may be issued for a vocational adult education supervisor, for a period of five (5) years and may be renewed once by meeting the following criteria:

(A) Completion of the Vocational Leadership Academy focused upon general and vocational administration from a state-approved college or university to prepare vocational education supervisors. The Vocational Leadership Academy shall include the competencies identified for the certificate of license to teach;

(B) Annual memberships in the state and national vocational school administrators' professional organizations, Missouri Council of Vocational Administrators (MCVA) and National Council of Local Administrators (NCLA), including participation in at least three (3) annual state and/or national meetings of professional, vocational education organizations;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(18) A ten (10)-year pupil personnel services certificate of license to teach as a vocational adult education supervisor may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Annual memberships in the state and national vocational school administrators' professional organizations, MCVA and NCLA, including participation in at least eight (8) annual state and/or national meetings of professional, vocational education organizations;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(C) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(19) The ten (10)-year pupil personnel services certificate of license to teach as a vocational adult education supervisor may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school supervision during the previous ten (10) years;

(B) Annual memberships in the state and national vocational school administrators' professional organizations, MCVA and NCLA, including participation in at least eight (8) annual state and/or national meetings of professional, vocational education organizations;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours;

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of two (2) graduate semester hours related to adult vocational education.

(20) A nonrenewable pupil personnel services certificate of license to teach may be issued for a post-secondary vocational counselor for a period of five (5) years. A ten (10)-year pupil personnel services certificate of license to teach as a post-secondary vocational counselor may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of two (2) years out of the previous five (5) years experience in counseling at the post-secondary level;

(B) Successful completion of a course in vocational education (if not taken as part of the individual's masters or higher level program);

(C) Annual memberships in the state and national school professional organization, including participation in at least five (5) annual state and/or national meetings of vocational school professional organizations; and

(D) Completion of one (1) of the following requirements:

1. Attendance at eight (8) professional workshops/seminars totaling fifteen (15) clock hours, appropriate for post-secondary counselors servicing individuals enrolled in vocational education; or

2. Completion of six (6) hours of graduate credit appropriate for post-secondary counselors.

(21) A nonrenewable pupil personnel services certificate of license to teach may be issued for a placement coordinator for a period of five (5) years. A ten (10)-year pupil personnel services certificate of license to teach as a placement coordinator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of a Missouri certificate of license to teach as a counselor or in a vocational-technical area;

(B) Possession of two (2) years out of the previous five (5) years experience as a placement coordinator;

(C) Successful completion of a course in vocational education (if not taken as part of the individual's masters or higher level program); and

(D) Completion of one (1) of the following requirements:

1. Attendance at three (3) of the five (5) previous Missouri Association of Career and Technical Education summer conferences and at least three professional workshops/seminars, totaling fifteen (15) clock hours, appropriate to placement coordinators; or

2. Attendance at three (3) of the five (5) previous Missouri Association of Career and Technical Education summer confer-

ences and a minimum of three (3) semester hours of graduate credit appropriate for post-secondary counselors.

(22) A nonrenewable pupil personnel services certificate of license to teach may be issued for a vocational evaluator for a period of five (5) years. A ten (10)-year pupil personnel services certificate of license to teach as a vocational evaluator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Completion of two (2) years full-time employment as a vocational evaluator;

(B) Completion of the following course work:

1. Standardized testing;

2. Occupational information or job analysis; and

3. Two (2) courses with a primary focus in at least one (1) of the following content areas:

A. Philosophy and process of vocational evaluation and assessment;

B. Individualized vocational evaluation planning;

C. Vocational evaluation report development and communication;

D. Work samples and systems;

E. Situational and community-based assessment;

F. Behavioral observation;

G. Functional aspects of disability;

H. Vocational interviewing;

I. Assessment of learning;

J. Functional skills assessment; and/or

K. Modifications and accommodations.

(23) The holder of a pupil personnel services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a pupil personnel services certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a pupil personnel services certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$588.63 in Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for a pupil personnel services certificate of license to teach, \$17,198 in Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 559 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22 and \$47 for each individual out-state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City,

MO 65I02-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.230 Application for a Pupil Personnel Services Certificate of License to Teach and/or Endorsement

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 588.63 per year for the life of the rule

III. WORKSHEET

\$588.63 includes the cost for approximately 559 applications, printing, duplication, and mailing, associated with pupil personnel services applications.

IV. ASSUMPTIONS

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.230 Application for a Pupil Personnel Services Certificate of License to Teach and/or Endorsement

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
559 per year	Applicants for a Pupil Personnel Services Certificate of License to Teach	\$17,198 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 363 in-state applications = \$7,986 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 196 applications = \$9,212 per year for out-state applications.

Total

\$7,986 + \$9,212 = \$17,198 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

5 CSR 80-800.260 Alternative Certification and Special Assignment Certificate of License to Teach

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for alternative certification by application for a special assignment certificate of license to teach when the applicant is employed by a Missouri public school district.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An applicant for a special assignment Missouri certificate of license to teach who possesses good moral character may be granted a certificate of license to teach in one (1) of the areas of special assignment upon joint application with a Missouri public school district. The special assignment certificate of license to teach is limited to the employing Missouri public school district. Endorsements will not be granted.

(2) Applications for a special assignment Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing the Teacher Certification Section at the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(4) The applicant must possess a baccalaureate or higher degree from an accredited college or university

(5) The applicant must possess an overall grade point average of 2.5 or higher on a 4.0 scale.

(6) Applicants must document a minimum of three (3) years of work experience in which the content of their baccalaureate or higher degree major is significantly applied in the area of special assignment. Exceptions may be made on the school district's recommendation and approved by the Department of Elementary and Secondary Education (DESE).

(7) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(8) The employing school district must develop a mentoring program to provide adequate support to the special assignment certificate of license to teach holders to ensure proper transition into the classroom environment.

(9) The applicant for a special assignment certificate of license to teach under the five percent (5%) program must comply with the following additional criteria:

(A) Submission of a joint application with a Missouri public school district whose total classroom teachers with a special assignment certificate of license to teach reported semi-annually to DESE core data does not exceed five percent (5%);

(B) The applicant must not hold, have held or be eligible to hold a certificate of license to teach;

(C) The five percent (5%) special assignment certificate of license to teach is limited to the baccalaureate major or higher degree area of study. The major area of study must be listed as an area of secondary and/or middle school education certification in the rules promulgated by the board. In addition, a five percent (5%) special assignment certificate of license to teach may be granted in art, music or foreign language, grades kindergarten through twelve (K-12), if the area was the applicant's baccalaureate or higher degree major area of study. Five percent (5%) special assignment certificates of license to teach will not be issued in early childhood education, elementary education, special education, pupil personnel services, and/or administrator; and

(D) The five percent (5%) special assignment certificate of license to teach is limited to the baccalaureate major or higher degree area of study and the original sponsoring Missouri public school district. The five percent (5%) special assignment certificate of license to teach may only be used in the original sponsoring Missouri public school district.

(10) The five percent (5%) special assignment certificate of license to teach is valid for up to one (1) school year. The five percent (5%) special assignment certificate of license to teach may be renewed annually for a maximum total of three (3) school years by joint application from the original sponsoring Missouri public school district and the five percent (5%) certificate holder and documentation by the school district administrator that the five percent (5%) certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule. A five percent (5%) special assignment certificate of license to teach may only be issued for a maximum of three (3) years and the holder is ineligible for consideration of another five percent (5%) special assignment certificate of license to teach.

(11) The applicant for a special assignment certificate of license to teach under the alternative teacher certification program must comply with the following additional criteria:

(A) Documentation of the applicant's acceptance into an Alternative Teacher Certification Program offered by Missouri colleges/universities with state-approved teacher education programs. Early childhood, elementary education and administrators will not be included in the Alternative Teacher Certification Program;

(B) Verification of the completion of a general education background satisfactory to the teacher education institution;

(C) Documentation of participation in a structured interview selected by the teacher education institution. The interview should assess the candidate's beliefs regarding the nature of teaching, the nature of students and the goals and mission of education as a profession. The interview may be utilized for screening purposes (for example, the Missouri preprofessional teacher interview) or for diagnostic and counseling purposes (for example, the selection research, incorporated preservice teacher perceiver);

(D) Documentation of a contract between the applicant and the higher education institution which has an Alternative Teacher Certification Program approved by the board. The contract should permit the applicant to enroll in course work demonstrating understanding of the following:

1. Adolescent development;
2. The psychology of learning; and
3. Teaching methodology in the content area. The course work must be completed prior to special assignment certification and employment; and

(E) Documentation of a four (4)-party contract with the applicant, the employing Missouri school district, the recommending teacher preparation program, and DESE upon the completion of the course work outlined above.

(12) The alternative teacher certification special assignment certificate of license to teach is valid for a period of one (1) school year and may be renewed by joint application from the original sponsoring Missouri public school district and the certificate holder and documentation by the school district administrator that the certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(13) The applicant for a special assignment certificate of license to teach under the critical needs program must comply with the following additional criteria:

(A) Submission of a letter from the school district's superintendent documenting a critical need in the area of certification as approved by DESE;

(B) Documentation of a plan of an academic program of study from a state-approved teacher preparation program;

(C) Documentation of a four (4)-party contract with the applicant, the employing school district, the recommending teacher preparation program, and DESE.

(14) The critical needs special assignment certificate of license to teach is valid for up to one (1) school year and may be renewed by joint application from the original sponsoring Missouri public school district and the certificate holder and documentation by the school district administrator that the certificate holder is being mentored and progressing annually towards a professional classification certificate of license to teach in the area of assignment as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(15) The applicant for a special assignment certificate of license to teach under the foreign exchange program must comply with the following additional criteria:

(A) Possession of a valid certificate of license to teach or similar title from a country with which DESE has a memorandum of understanding; and

(B) The applicant must obtain a criminal history and background check similar to the FBI check from the applicant's country of origin.

(16) The foreign exchange special assignment certificate of license to teach is valid for up to one (1) school year and may be renewed pursuant to the memorandum of understanding and the criteria as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(17) The applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(18) The holder of a special assignment certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a special assignment certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a special assignment certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$158 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for a special assignment certificate of license to teach, \$4,725 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 150 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22 and \$47 for each individual out-state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.260 Alternative Certification and Special Assignment
Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 158 per year for the life of the rule

III. WORKSHEET

\$158 includes the cost for approximately 150 applications, printing, duplication, and mailing, associated with special assignment applications.

IV. ASSUMPTIONS

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.260 Alternative Certification and Special Assignment Certificate of License to Teach

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
150 per year	Applicants for a Special Assignment Certificate of License to Teach	\$4,725 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 93 in-state applications = \$2,046 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 57 applications = \$2,679 per year for out-state applications.

Total

\$2,046 + \$2,679 = \$4,725 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

**5 CSR 80-800.270 Application for a Vocational-Technical
Certificate of License to Teach**

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a vocational-technical certificate of license to teach.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMO. Such material will be provided at the cost established by state law.

(1) An applicant for a Missouri vocational-technical certificate of license to teach who possesses good moral character, the appropriate professional/technical skills and the appropriate educator course work may be granted a Missouri vocational-technical certificate of license to teach.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing and should be submitted to the coordinator for Vocational Technical Education, or for Junior Reserve Officer Training Corps (ROTC) certificates to the Teacher Certification Section, Missouri Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the department.

(4) The applicant must have secured a teaching position in their area of professional/technical preparation and/or training and the employing school district or post-secondary institution must request and endorse certification and/or renewal for the applicant.

(5) The applicant must comply with the specific requirements for the various vocational-technical certificates of license to teach as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(6) If the applicant seeks a vocational-technical certificate of license to teach from the department in an area which Missouri currently issues a professional license or certification, the applicant must possess a valid, unencumbered, undisciplined profes-

sional license or certificate from the professional licensing entity within Missouri.

(7) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the department, including information regarding any disciplinary action.

(8) Following review by the department, the applicant shall be informed in writing of the decision regarding the application for a vocational-technical certificate of license to teach.

(9) The holder of a vocational-technical certificate of license to teach shall ensure that the Department of Elementary and Secondary Education has their current legal name and address.

(A) A holder of a vocational-technical certificate of license to teach whose name is changed by marriage or court order shall notify the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a vocational-technical certificate of license to teach whose address has changed shall inform the department in writing of the change within thirty (30) days of the effective date of the change.

(10) The following vocational-technical certificates of license to teach may be issued and renewed as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule:

(A) Vocational I valid for two (2) years; and

(B) Vocational II valid for five (5) years.

(11) When an individual's vocational-technical certificate of license to teach has expired for thirty (30) days, the individual must meet current requirements as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

AUTHORITY: sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$384 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for a vocational-technical certificate of license to teach, \$8,305 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 365 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22 and \$47 for each individual out-state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 384 per year for the life of the rule

III. WORKSHEET

\$384 includes the cost for approximately 365 applications, printing, duplication, and mailing, associated with vocational-technical applications.

IV. ASSUMPTIONS

**FISCAL NOTE
PRIVATE ENTITY COST**

L. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
365 per year	Applicants for a Vocational-Technical Certificate of License to Teach	\$8,305 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 354 in-state applications = \$7,788 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 11 applications = \$517 per year for out-state applications.

Total

\$7,788 + \$517 = \$8,305 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach

PURPOSE: *The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for an adult education and literacy certificate of license to teach.*

PUBLISHER'S NOTE: *The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.*

(1) An applicant for a Missouri adult education and literacy (AEL) certificate of license to teach who possesses good moral character may be granted a Missouri AEL certificate of license to teach.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education and may be obtained by writing and should be submitted to the Director for Adult Education, Missouri Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102.

(3) An application is not considered officially filed with the board until it has been determined by the board or department staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(A) The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the adult education section of the department.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the adult education section of the department, including information regarding any disciplinary action.

(5) An AEL professional classification I (AEL-I) certificate of license to teach may be issued and renewed an unlimited number of times. The AEL-I is valid for three (3) years to individuals meeting the following additional requirements:

(A) Possession of a baccalaureate degree from an accredited college or university; and

(B) Successful completion of the AEL Beginning Teacher Workshop (BTW).

(6) The effective date for the AEL certificate of license to teach is July 1 when the application or renewal is received in the fiscal year, July 1 to June 30.

(7) Following review by the department, the applicant shall be informed in writing of the decision regarding the application for an AEL certificate of license to teach.

(8) An AEL-I certificate of license to teach may be issued for a period of three (3) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Successful completion of the AEL Intermediate Teacher Workshop (ITW) following the BTW;

(B) Successful completion of two (2) of the three (3) AEL Experience Teacher Workshops (ETW) following the ITW; and

(C) Successful completion of one (1) in-service per year, approved by the adult education section of the department.

(9) An AEL-II certificate of license to teach may be issued and renewed an unlimited number of times. The AEL-II is valid for ten (10) years to individuals meeting the following additional requirements:

(A) Possession of a valid AEL-I;

(B) Completion of six (6) years AEL teaching experience; and

(C) Completion of twelve (12) semester hours relating to adult education and literacy. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a masters or higher degree.

(10) An AEL-II certificate of license to teach may be renewed an unlimited number of times by individuals meeting the following requirements:

(A) Successful completion of seven (7) of ten (10) annual AEL ETWs; and

(B) Successful completion of one (1) in-service per year, approved by the adult education section of the department.

(11) The holder of an AEL certificate of license to teach shall ensure that the Department of Elementary and Secondary Education has their current legal name and address.

(A) A holder of an AEL certificate of license to teach whose name is changed by marriage or court order shall notify the adult education section of the department within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an AEL certificate of license to teach whose address has changed shall inform the adult education section of the department in writing of the change within thirty (30) days of the effective date of the change.

(12) When an individual's AEL certificate of license to teach has expired for sixty (60) days, the individual must meet current requirements as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

AUTHORITY: sections 161.092, 168.011 and 168.081, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: *This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$490 in Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.*

PRIVATE COST: *This proposed rule is estimated to cost private entities, the applicants for an adult education and literacy certificate of license to teach, \$11,250 in Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 500 new applicants. The cost for the life of the rule for each individual in-state applicant is \$22 and \$47 for each individual out-*

state applicant. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P. O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$ 490.00 per year for the life of the rule

III. WORKSHEET

\$490.00 per year includes the cost of the following for approximately 500 applicants:

Printing of in-state forms	\$ 60.00
Printing of out-state forms	\$ 30.00
Postage	\$400.00

IV. ASSUMPTIONS

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
500 per year	Applicants for an Adult Education and Literacy Certificate of License to Teach	\$11,250 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 490 in-state applications = \$10,780 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 10 applications = \$470 per year for out-state applications.

Total

\$10,780 + \$470 = \$11,250 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

5 CSR 80-800.350 Certificate of License to Teach Content Areas

PURPOSE: *The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the current areas for certificates of license to teach and endorsements.*

PUBLISHER'S NOTE: *The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMO. Such material will be provided at the cost established by state law.*

(1) Valid certificates of license to teach issued by an authorized Missouri certification authority prior to the effective date of this regulation, remain in force and effect absent other actions taken by the authorized certification authority. Current certificates of license to teach will be able to be renewed absent other action taken by the authorized certification authority.

(2) Certificates of license to teach are issued and renewed by the State Board of Education pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows:

- (A) Early childhood education, birth through grade 3;
- (B) Elementary education, grades 1–6;
- (C) Middle school education, grades 5–9 with at least one (1) area of endorsement in the following areas:

- 1. Agricultural education;
- 2. Business education;
- 3. Family and consumer sciences;
- 4. Industrial technology;
- 5. Language arts;
- 6. Mathematics;
- 7. Science;
- 8. Social science; and/or
- 9. Speech/theater;

(D) Secondary education, grades 9–12 in the following areas:

- 1. Agricultural education;
- 2. Art;
- 3. Business education;
- 4. Business education except shorthand;
- 5. English;
- 6. Family and consumer sciences;
- 7. Health;
- 8. Industrial technology;
- 9. Journalism;
- 10. Mathematics;
- 11. Physical education;
- 12. Social science;
- 13. Speech/theatre;
- 14. Unified science biology;
- 15. Unified science chemistry;
- 16. Unified science earth science;

- 17. Unified science physics; and/or
- 18. Vocational family and consumer science;

(E) Special education in one (1) or more of the following areas:

- 1. Blind and partially sighted, grades K–12;
- 2. Deaf and hearing impaired, grades K–12;
- 3. Early childhood special education, birth–grade 3;
- 4. Mild/moderate behavioral disordered, grades K–12;
- 5. Mild/moderate cross-categorical, grades K–12;
- 6. Mild/moderate learning disabled, grades K–12;
- 7. Mild/moderate mentally handicapped, grades K–12;
- 8. Mild/moderate physical and/or other health impairments, grades K–12;
- 9. Severely developmentally disabled, grades K–12; and/or
- 10. Speech and language specialist, grades K–12;

(F) Other certificates of license to teach may be issued in one (1) or more of the following areas:

- 1. Art, grades K–12;
- 2. Dance, grades K–12;
- 3. Family and consumer sciences, birth–grade 12 (effective September 1, 2004);
- 4. Foreign language, grades K–12;
- 5. Health, grades K–12;
- 6. Instrumental music, grades K–12;
- 7. Library media specialist, grades K–12;
- 8. Physical education, grades K–12 or grades K–9; and/or
- 9. Vocal music, grades K–12;

(G) Endorsements may be added to a certificate of license to teach except for occupational vocational, adult education and literacy, special assignment and/or substitute certificates of license to teach in one (1) or more of the following areas:

- 1. Art, grades K–9;
- 2. Driver education, grades 9–12;
- 3. English for speakers of other languages, grades K–12;
- 4. Family resource specialist, birth–grade 3;
- 5. Foreign language, grades K–9;
- 6. Gifted education, grades K–12;
- 7. Health, grades K–9; and/or
- 8. Special reading, grades K–12;

(H) Administrator certificates of license to teach may be issued in one (1) or more of the following areas:

- 1. Superintendent, grades K–12;
- 2. Principal, grades K–8, grades 5–9, and/or grades 9–12;
- 3. Advanced principal, grades K–8, grades 5–9, and/or grades 9–12;
- 4. Special education administrator, grades K–12; and/or
- 5. Vocational school director;

(I) Pupil personnel services certificates of license to teach may be issued in one (1) or more of the following areas:

- 1. School counselor, grades K–8, 9–12, and/or K–12;
- 2. Advanced school counselor, grades K–12;
- 3. School psychological examiner, grades K–12;
- 4. School psychologist, grades K–12;
- 5. Vocational adult education supervisor;
- 6. Post-secondary vocational counselor;
- 7. Placement coordinator; and/or
- 8. Vocational evaluator;

(J) Vocational-technical certificates of license to teach may be issued in one (1) or more of the following areas (see Appendix A which is incorporated by reference and made a part of this rule):

- 1. Agriculture;
- 2. Business;
- 3. Family and consumer science;
- 4. Health science;
- 5. Junior Reserve Officers Training Corps (ROTC);
- 6. Marketing and cooperative education; and/or
- 7. Trade and industrial (T&I);

(K) Adult education and literacy certificates of license to teach; and/or

(L) Special assignment certificates of license to teach; and/or

(M) Substitute certificate of license to teach.

(3) Certification requirements will be reviewed on a five (5) calendar-year cycle. The Missouri Advisory Council of Certification for Educators (MACCE) will submit recommendations to the State Board of Education and commissioner of education for their consideration, beginning September 1, 2004, regarding the status of certification requirements.

AUTHORITY: sections 161.092, 168.011, 168.081, 168.400 and 168.405, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Appendix A – Vocational-Technical Certificates**Agricultural Education**

01.0000	Agricultural Education
01.0101	Agricultural Business
01.0201	Agricultural Mechanics
01.0301	Agricultural Production
01.0401	Agricultural Processing
01.0501	Agricultural Services/Supplies
01.0601	Horticulture
03.0101	Agricultural Resources
03.0401	Forestry

Business Education

80.009513	Vocational Business Education
80.009514	Business Education without shorthand
80.000015	Business Education with Coop

Family and Consumer Sciences Education

20.0201	Child Care and Guidance Workers and Managers
20.0301	Clothing, Apparel and Textile Workers and Managers
20.0401	Institutional Food Workers and Administrators-Dietetic Technology
20.0501	Home Furnishings and Equipment Installers and Consultants
02.0601	Custodial, Housekeeping and Home Services Workers and Managers
20.9999	Vocational Family and Consumer Sciences

Health Sciences

12.0301 *	Funeral Service and Mortuary Science
51.0000 *	Health Occupations Coop
51.0205 *	Sign Language Interpreter
51.0601 *	Dental Assistant
51.0602 *	Dental Hygienist
51.0603	Dental Laboratory Technician
51.0699	Dental Services, Other
51.0703	Health Unit Coordinator/Ward Clerk
51.0707 *	Medical Record Technology/Technician (Health Information Technology)
51.0708 *	Medical Transcription
51.0801 *	Medical Assistant
51.0802 *	Medical Laboratory Assistant
51.0803 *	Occupational Therapy Assistant
51.0805 *	Pharmacy Technician/Assistant
51.0806 *	Physical Therapy Assistant
51.0808	Veterinarian Assistant/Animal Health Technician
51.0899	Health and Medical Assistants, Other
51.0904 *	Emergency Medical Technology/Technician
51.0907 *	Medical Radiologic Technology/Technician

51.0908 * Respiratory Therapy Technician
51.0909 * Surgical/Operating Room Technology
51.0910 * Diagnostic Medical Sonography Technician
51.1004 * Medical Laboratory Technician
51.1501 * Alcohol/Drug Abuse Counseling
51.1502 * Psychiatric/Mental Health Services Technician
51.1599 Medical Health Services, Other
51.1601 * Registered Nursing (RN Training)
51.1613 * Licensed Practical Nursing (LPN Training)
51.1614 * Nursing Assistant/Aide
51.1615 * Home Health Aide
51.1699 * Nursing, Other
51.2601 * Health Aide (Health Services Assistant)
51.9999 Health Professions and Related Sciences, Other

Marketing & Cooperative Education

04.0000 Marketing Education
Post-Secondary Marketing
03.0000 Cooperative Occupational Education
05.0000 Cooperative Industrial Education

Trade and Industrial Education

10.0101 Educational/Instructional Media Technology/Technician
10.0104 Radio and Television Broadcasting Technology/Technician
12.0403 * Cosmetologist
12.0499 Cosmetic Services, Other
12.0501 Baker/Pastry Chef
12.0503 Culinary Arts
12.0504 Food and Beverage/Restaurant Operations Manager
12.0599 Culinary Arts and Related Services, Other
15.0101 Architectural Engineering Technology/Technician
15.0201 Civil Engineering/Civil Technology/Technician
15.0301 Computer Engineering Technology/Technician
15.0303 Electrical, Electronic and Communications Engineering
Technology/Technician
15.0304 Laser and Optical Technology/Technician
15.0399 Electrical and Electronic Engineering-Related Technologies/Technicians,
Other
15.0401 Biomedical Engineering-Related Technology/Technician
15.0402 Computer Maintenance Technology/Technician
15.0403 Electromechanical Technology/Technician
15.0404 Instrumentation Technology/Technician
15.0405 Robotics Technology/Technician
15.0499 Electromechanical Instrumentation and Maintenance
Technologies/Technicians, Other
15.0501 Heating, Air Conditioning and Refrigeration Technology/Technician
15.0506 Water Quality and Wastewater Treatment Technology/Technician

15.0599	Environmental Control Technologies/Technicians, Other
15.0601	Chemical Manufacturing Technology
15.0603	Industrial/Manufacturing Technology/Technician
15.0604	Manufacturing Technology
15.0699	Industrial Production Technologies/Technicians, Other
15.0701	Occupational Safety and Health Technology/Technician
15.0702	Quality Control Technology/Technician
15.0799	Quality Control and Safety Technologies/Technicians, Other
15.0801	Aeronautical Technology
15.0803	Automotive Engineering Technology/Technician
15.0805	Mechanical Engineering/Mechanical Technology/Technician
15.1001	Construction/Building Technology/Technician
20.0309	Drycleaner and Launderer (Commercial)
23.1101	English Technical and Business Writing
27.0301	Applied Mathematics, General
41.0301	Chemical Technology/Technical
43.0107	Law Enforcement/Police Science
43.0201	Fire Protection and Safety Technology/Technician
43.0203	Fire Science/Firefighting
46.0101	Mason and Tile Setter
46.0201	Carpenter
46.0301	Electrical and Power Transmission Installer, General
46.0302	Electrician
46.0303	Lineworker
46.0399	Electrical and Power Transmission Installer, Other
46.0401	Building/Property Maintenance and Manager
46.0403	Construction/Building Inspector
46.0408	Painter and Wall Coverer
46.0499	Construction and Building Finishers and Managers, Other
46.0501	Plumber and Pipefitter
46.9999	Construction Trades, Other
47.0101	Electrical and Electronics Equipment Installer and Repairer, General
47.0102	Business Machine Repairer
47.0103	Communications Systems Installer and Repairer
47.0104	Computer Installer and Repairer
47.0105	Industrial Electronics Installer and Repairer
47.0106	Major Appliance Installer and Repairer
47.0199	Electrical and Electronics Equipment Installer and Repairer, Other
47.0201	Heating, Air Conditioning and Refrigeration Mechanic and Repairer
47.0302	Heavy Equipment Maintenance and Repairer
47.0303	Industrial Machinery Maintenance and Repairer
47.0399	Industrial Equipment Maintenance and Repairer, Other
47.0501	Stationary Energy Sources Installer and Operator
47.0603	Auto/Automotive Body Repairer
47.0604	Auto/Automotive Mechanic/Technician
47.0605	Diesel Engine Mechanic and Repairer
47.0606	Small Engine Mechanic and Repairer
47.0607 *	Aircraft Mechanic/Technician, Airframe

47.0608 *	Aircraft Mechanic/Technician, Powerplant
47.0609 *	Aviation Systems and Avionics Maintenance Technologist/Technician
47.0611	Motorcycle Mechanic and Repairer
47.0699	Vehicle and Mobile Equipment Mechanics and Repairer, Other
48.0101	Drafting, General
48.0102	Architectural Drafting
48.0103	Civil/Structural Drafting
48.0104	Electrical/Electronics Drafting
48.0105	Mechanical Drafting
48.0199	Drafting, Other
48.0201	Graphic and Printing Equipment Operator, General
48.0205	Mechanical Typesetter and Composer
48.0206	Lithographer and Platemaker
48.0208	Printing Press Operator
48.0211	Computer Typography and Composition Equipment Operator
48.0212	Desktop Publishing Equipment Operator
48.0299	Graphic and Printing Equipment Operator, Other
48.0303	Upholsterer
48.0501	Machinist/Machine Technologist
48.0503	Machine Shop Assistant
48.0506	Sheet Metal Worker
48.0507	Tool and Die Maker/Technologist
48.0508	Welder/Welding Technologist
48.0599	Metal Fabrication
48.0701	Woodworkers, General
48.0702	Furniture Designer and Maker
48.0703	Cabinet Maker and Millworker
48.0799	Woodworkers, Other
49.0202	Construction Equipment Operator
49.0205	Truck, Bus and Other Commercial Vehicle Operator
49.0299	Vehicle and Equipment Operators, Other
49.0306	Marine Maintenance and Ship Repairer
50.0201	Crafts, Folk Art and Artisanry
50.0402	Graphic Design, Commercial Art and Illustration
50.0404	Industrial Design
50.0406	Commercial Photography
50.0605	Photography
06.2002	Trade and Industrial Internship

* Requires Professional Licensing

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

**5 CSR 80-800.360 Certificate of License to Teach
Classifications**

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the classification of certificates of license to teach.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Certificates of license to teach are issued and renewed by the State Board of Education pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

(2) Effective dates for initial certificates of license to teach, except for substitutes and adult education and literacy certificates of license to teach, are as follows:

(A) June 1, when the application is received from May 1 through July 31;

(B) August 15, when the application is received from August 1 through November 30; or

(C) January 1, when the application is received from December 1 through April 30.

(3) If a certificate of license to teach is renewed, except for a substitute, the effective date of renewal will be the date of expiration of the certificate of license to teach, providing that the application for renewal and supporting materials are received by the Department of Elementary and Secondary Education (DESE) prior to or on the expiration date.

(A) If the renewal of the certificate of license to teach is received by the department within eleven (11) months of the expiration date of the certificate or a shorter time if specified in the rules promulgated by the board, the effective date of renewal will be the certificate's expiration date.

(B) If an individual's certificate of license to teach renewal is received after the certificate has expired for more than eleven (11) months or a shorter time if specified in the rules promulgated by the board, the individual must meet the current certification requirements as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule unless extenuating circumstances exist and the individual obtains the approval of the commissioner of education.

(4) Certificates of license to teach may be issued pursuant to the rules promulgated by the board, to individuals completing a state-approved teacher preparation program, and/or a Ph.D. program in the following classifications:

- (A) Professional Classification I (PC I);
- (B) Professional Classification II (PC II); and/or

(C) Continuous Professional Classification (CPC) (Ph.D. applicants are ineligible to advance to the CPC level).

(5) Professional Classification I (PC I)—

(A) A three (3) year PC I classification will be issued to applicants who meet the certification requirements and possess less than three (3) years of state-approved teaching experience.

(B) During the valid dates of the PC I classification, the certificate holder shall complete the following requirements:

- 1. Verification of three (3) years of state-approved teaching experience;

- 2. Develop and implement a detailed professional development plan, approved by the local board of education, to include clearly stated goals for improvement and enrichment;

- 3. Participate in an entry-year mentor program, the guidelines for which shall be established by the local board of education;

- 4. Participate in a beginning teacher assistance program from a Missouri college or university if the teacher education program was completed in a Missouri institution. The assistance may include retraining, internships, counseling and in-service training;

- 5. Continue professional growth to include thirty (30) clock hours of in-service training as defined in criteria established by the State Board of Education; and

- 6. Participate in the district's Performance-Based Teacher Evaluations (PBTEs).

(C) If the holder of a PC I has not met the above-mentioned criteria for upgrade to a PC II, the certificate of license to teach may be extended once for three (3) years upon written request.

(D) Individuals who have not been employed in a school setting may renew their certificate upon a showing of good cause and the following:

- 1. Written request for renewal; and

- 2. Submission of an official transcript showing six (6) semester hours appropriate to education from an approved college or university or upon completion of a masters degree in education or an area of certification.

(6) Professional Classification II (PC II) —

(A) A seven (7) year PC II classification will be issued to:

- 1. Applicants who hold a PC I and provide documentation of completing all the requirements for advancement to this level of classification; or

- 2. Applicants who meet the certification requirements and have three (3) years of state-approved teaching experience.

(B) During the valid dates of the PC II classification, the certificate holder shall complete the following requirements:

- 1. An additional seven (7) years of state-approved teaching experience;

- 2. Implement or continue a detailed professional development plan approved by the local board of education, to include clearly stated goals for continued improvement and enrichment;

- 3. Earn twelve (12) semester hours, other than internship credit, appropriate to teaching area(s) or toward a planned masters degree. The masters degree shall be in education or in an area of certification. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a masters degree in education or in an area of certification;

- 4. Continue professional growth to include thirty (30) clock hours of in-service training as defined in criteria as established by the State Board of Education or serve as a mentor in the entry-year mentor program, the guidelines for which shall be established by the local board of education; and

- 5. Participate in the district's PBTEs.

(C) If the holder of a PC II has not met the above-mentioned criteria for upgrade to a CPC, the PC II may be extended once for three (3) years upon written request. Additional renewals for seven (7) years may be granted upon completion of the following:

1. An additional seven (7) years of state-approved teaching experience;

2. Continuation of a detailed professional development plan approved by the local board of education, to include clearly stated goals for continued improvement and enrichment;

3. Earning twelve (12) semester hours, other than internship credit, appropriate to teaching area(s) or toward a planned masters degree. The masters degree shall be in education or in an area of certification. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a masters degree in education or in an area of certification;

4. Continuation of professional growth to include thirty (30) clock hours of in-service training as defined in criteria as established by the State Board of Education or serve as a mentor in the entry-year mentor program, the guidelines for which shall be established by the local board of education; and

5. Participation in the district's PBTEs.

(D) Individuals who have not been employed in a school setting may renew their certificate upon a showing of good cause and the following:

1. Written request; and

2. Submission of an official transcript showing six (6) semester hours appropriate to education from an approved college or university or upon completion of a masters degree in education or an area of certification.

(7) Continuous Professional Classification (CPC)—

(A) A ten (10)-year CPC classification will be issued to:

1. Applicants who hold a PC II, provide documentation of completing all the requirements for advancement to this level of classification and have completed a masters degree in education or an area of certification; or

2. Applicants who have earned a masters degree in education or an area of certification and have a minimum of ten (10) years of state-approved teaching experience.

(B) The CPC classification may be renewed an unlimited number of times.

(8) Any level of a Missouri professional classification shall be extended for a teacher whose service is interrupted due to a reduction in force (RIF) or military service.

(9) The local district and teacher shall submit, on an upgrade application form provided by DESE, a request for renewal of a particular classification level; verification that the teacher has completed the requirements of a particular classification level and/or the request for advancement to the next classification level.

(10) Any certificate holder denied certification by the board pursuant to this rule may appeal the decision pursuant to the rules promulgated by the board.

(11) Any certificate holder's disagreement with the school district's verification of requirements for the classification levels shall be dealt with through an appeal process developed by the school district's local board of education.

(12) Approved teaching experience, as described in the rules promulgated by the board, must be in Missouri public schools, schools approved by the state education agency in states other than Missouri, or in nonpublic schools accredited by the National Federation of Nonpublic School State Accrediting Association, or one (1) of the six (6) regional accrediting associations for schools and colleges, or by the University of Missouri-Columbia. Teaching experience must be contracted and at least half-time. Substitute teaching or serving as a teacher's aide or assistant will not be counted as teaching experience.

(13) Provisional certificates of license to teach may be issued to an individual for two (2) years and may be extended upon a showing of good cause. Provisional certificates of license to teach may be issued in the following situations:

(A) The individual has completed the academic requirements for a certificate of license to teach, but has not taken or passed the exit assessment(s); or

(B) The individual has completed a teacher preparation program and is generally within twelve (12) semester hours of completion of the certification requirements as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

(14) Administrator certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

(15) Pupil personnel services certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

(16) Substitute certificates of license to teach may be issued to an individual for one (1) year pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

(17) Vocational-technical certificates of license to teach may be issued to an individual for two (2) or five (5) years and may be renewed pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

(18) Adult education and literacy certificates of license to teach may be issued to an individual for three (3) or ten (10) years and may be renewed pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

(19) Special assignment certificates of license to teach may be issued to an individual for one (1) year and may be renewed pursuant to the requirements found in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule and the rules promulgated by the board.

AUTHORITY: sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMO 1994 and 168.021 and 168.071, RSMO Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received

within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

MO 65I02-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

5 CSR 80-800.370 Fees

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the fees assessed.

(1) A fee, sufficient to recover costs of processing and issuing certificates of license to teach, will be charged to applicants who completed an approved teacher education program in a state other than Missouri. All applicants or certificate of license to teach holders may be charged additional fees to recover costs associated with the issuance of certificates of license to teach, other than the initial certificate of license to teach.

(2) The following fees are established by the State Board of Education and are payable in the form of a cashier's check or money order to the Treasurer, State of Missouri:

(A) Application for a Certificate of License to Teach	
(Individuals who completed a teacher preparation program from a non-Missouri school)	\$25.00
(B) Reprint or Duplicate Certificate of License to Teach	\$10.00
(C) Additional Certificate for the Addition of an Advanced Degree	\$10.00
(D) Copy Cost (per page)	.50
(E) Research Fee (per hour)	\$35.00
(F) Fingerprint Card Check—Amount determined by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation.	
(H) Missouri Open Records Check—Amount determined by the Missouri State Highway Patrol.	
(G) All fees are nonrefundable.	

AUTHORITY: sections 161.092, 168.011, 168.081, 168.400, 168.405, and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities, the applicants for a certificate of license to teach and additional or duplicate certificates of license to teach, \$506,933 in Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 19,384 new applicants and 1,566 additional and duplicate certificates. The cost for the life of the rule for each individual in-state applicant is \$22 and \$47 for each individual out-state applicant and \$10 for each additional or duplicate certificate. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City,

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 80-800.370 Fees

II: SUMMARY OF FISCAL IMPACT

Estimate the number of entities which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
20,950 per year	Applicants for a Certificate of License to Teach and Request for Duplicates or Additional Certificates of License to Teach	\$506,933 per year for the life of the rule or \$22.00 per individual in-state applicant and \$47.00 per individual out-state applicant and \$10.00 per duplicate or additional certificates for the life of the rule.

III. WORKSHEET

In-State Applicants

\$22.00 for fingerprinting x 16,791 in-state applications = \$369,402 per year for in-state applications.

Out-State Applicants

\$22.00 for fingerprinting + \$25.00 application processing fee = \$47.00 x 2,593 applications = \$121,871 per year for out-state applications.

Total Applicants

\$369,402 + \$121,871 = \$491,273 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant for the life of the rule.

Duplicates and Additional Certificates

\$10.00 x 1566 = \$15,660 per year for the life of the rule.

TOTAL

\$491,273 + \$15,660 = \$506,933 per year for the life of the rule or \$22.00 per in-state applicant and \$47.00 per out-state applicant and \$10.00 per duplicate and additional certificates.

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Urban and Teacher Education
**Chapter 800—Teacher Certification and Professional
Conduct and Investigations**

PROPOSED RULE

**5 CSR 80-800.380 Required Assessments for Professional
Education Certification in Missouri**

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and to establish requirements and qualifications for those certificates. This rule establishes required assessments for candidates for certification who have completed a state-approved professional education program.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate.

(A) The State Board of Education has selected the Praxis II: Content Knowledge or Specialty Area Tests and the Principles of Learning and Teaching Tests developed by the Educational Testing Service (ETS) as the exit assessments for teaching certification (see Appendix A which is incorporated by reference and made a part of this rule). Qualifying scores are established by the State Board of Education and published by ETS for each test designated for an area of certification.

1. Applicants with double majors seeking an initial certificate of license to teach in two (2) areas must take both content knowledge or specialty area tests, or the appropriate principles of learning and teaching test if no content knowledge or specialty area test is designated.

2. Applicants seeking initial certificates of license to teach in their major area of study and an endorsement in a second area will be required to take only the content knowledge or specialty area test in their major area or the appropriate principles of learning and teaching test if no content knowledge or specialty area test is designated.

A. Applicants seeking additional certificates of license to teach and/or endorsements in additional content areas:

(I) May take the appropriate content knowledge or specialty area test(s) for certification; or

(II) If the applicant chooses not to take the appropriate content knowledge or specialty area test(s), the applicant must meet the certification standards for the area of certification and/or endorsement area as set forth in the *Compendium of Missouri Certification Requirements* which is incorporated by reference and made a part of this rule.

3. Applicants for a Missouri certificate of license to teach, having a valid certificate of license to teach from another state and having achieved that state's passing score(s) for the same assessment(s) required by Missouri, shall not be required to retake the assessment(s) in Missouri in order to receive the Missouri certificate.

4. Beginning September 1, 2004, applicants for a Missouri certificate of license to teach will take the designated Praxis II content knowledge or specialty area test for each area of certification

and/or endorsement and achieve a qualifying score on each respective test.

(B) In addition to the previously described Praxis II assessments, the State Board of Education will accept successful completion of the National Board for Professional Teaching Standards (NBPTS) assessment as meeting the exit assessment requirement for Missouri. Therefore, applicants seeking a Missouri certificate of license to teach having certification granted by the NBPTS are not required to take the designated Missouri exit assessment in the content area for which they hold NBPTS certification.

(C) The State Board of Education has selected the School Leaders Licensure Assessment (SLLA) developed by ETS to assess the attainment of competencies required for the building-level administrator certificate of license to teach (see Appendix A which is incorporated by reference and made a part of this rule). A minimum qualifying score for this assessment is established by the State Board of Education.

(D) Applicants seeking a Missouri certificate of license to teach shall have their assessment score(s) reported to the Department of Elementary and Secondary Education by the authorized testing agency and on their application for initial certification from the college/university recommending the applicant for their certificate, if appropriate.

(2) Applicants seeking a certificate of license to teach and/or endorsement in a vocational-technical area, adult education and literacy, substitute and/or special assignment certificate of license to teach may not be required to take an exit assessment for the certificate or endorsement prior to the issuance of the certificate of license to teach.

AUTHORITY: sections 161.092, 168.011, 168.081, 168.400, 168.405 and 168.409, RSMo 1994 and 168.021 and 168.071, RSMo Supp. 1999. Original rule filed April 26, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities, the potential examinees collectively, \$945,570 in the Fiscal Year 2001, with that cost reoccurring annually thereafter over the life of the rule for approximately 7,104 potential examinees a year. The cost for the life of the rule for each individual potential examinee is \$105 for the exit assessment for initial certification and \$435 for the exit assessment for administrator certification. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education. Attention: Dr. Celeste Ferguson, Assistant Commissioner, Division of Urban and Teacher Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Teacher Certification and Professional Conduct and Investigations

Type of Rulemaking: Proposed Rule

II. Rule Number and Name: 5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri

III. SUMMARY OF FISCAL IMPACT

Estimate the number of examinees which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected examinees:
7,104	Certification examinees	\$945,570.00

III. WORKSHEET

\$105.00 for test fee x 6,499 examinees = \$682,395.00 per year for Praxis

\$435.00 for test fee x 605 examinees = \$263,175.00 per year

\$682,395.00 + \$263,175.00 = \$945,570.00

IV. ASSUMPTIONS

Based upon previous data from past years, the Board assumes the 7,104 examinees for certification.

APPENDIX A
EXAMINATIONS DESIGNATED FOR CERTIFICATION IN MISSOURI

The assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The certificates with corresponding tests and respective scores are listed below:

(*The Praxis II: Content Knowledge Tests are listed in Italics.*)

<u>Missouri Certificate</u>	<u>Test Code</u>	<u>Designated Examination</u>
Early Childhood (Birth – Grade 3)	10020	Early Childhood Education
Early Childhood Special Education		Early Childhood Education
Elementary (Grades 1-6)	10011	<i>Elementary Education: Curriculum, Instruction, And Assessment</i>
Middle School (Grades 5-9)		
Language Arts	10049	<i>MS English-Language Arts: Content Knowledge</i>
Mathematics	10069	<i>MS Mathematics: Content Knowledge</i>
Science	10439	<i>MS Science: Content Knowledge</i>
Social Studies	10089	<i>MS Social Studies: Content Knowledge</i>
Other Middle School Endorsements	30523	<i>Principles of Learning and Teaching, Grades 5-9</i>
Secondary Education (Grades 9-12)		
Agriculture	10700	Agriculture
Art	10133	<i>Art: Content Knowledge</i>
Business Education	10100	Business Education
English	10041	<i>English Language, Literature and Composition: Content Knowledge</i>
Family and Consumer Science (Vocational and Non-Vocational)	10120	Home Economics Education
French	10170	French
German	20181	<i>German: Content Knowledge</i>
Health	20550	Health Education
Industrial Technology	10050	Technology Education
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	<i>Mathematics: Content Knowledge</i>
Music (Instrumental, Vocal)	10113	<i>Music: Content Knowledge</i>
Physical Education	10091	<i>Physical Education: Content Knowledge</i>
Social Science	10081	<i>Social Studies: Content Knowledge</i>
Spanish	10191	<i>Spanish: Content Knowledge</i>
Special Education (all areas)	10350	Special Education
Speech/Theater	10220	Speech Communication
Speech and Language Specialist	20330	Speech-Language Pathology
Unified Science:		
Biology	20231	<i>Biology: Content Knowledge, Part I</i>
Chemistry	20241	<i>Chemistry: Content Knowledge</i>
Earth Science	20571	<i>Earth Science: Content Knowledge</i>
Physics	10261	<i>Physics: Content Knowledge</i>
K-12 or 9-12 teaching certification for which no specialty area test or content knowledge test is designated.	30524	<i>Principles of Learning and Teaching, Grades 7-12</i>
Building-Level Administrator	11010	School Leaders Licensure Assessment (SLLA)
Principal (K-8, 5-9, 9-12)		
Special Education Administrator (K-12)		
Vocational School Director		

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.098 Drugs and Medicines. This rule interpreted the sales tax law as it applied to sales of drugs and medicines, and interpreted and applied sections 144.010 and 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rule no. 69 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-42 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.516 Application for Refund/Credit—Amended Returns. This rule interpreted the sales tax law as it applied to the procedure for recovering an overpayment of tax.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 190-2 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Emergency amendment filed Aug. 18, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994. Emergency amendment filed Dec. 9, 1994, effective Dec. 26, 1994, expired April 24, 1995. Amended: Filed Aug. 18, 1994, effective Feb. 26, 1995. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.518 Claim Form. This rule provided instructions for obtaining the proper claim for refund/credit form.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 190-3 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.520 Who Should Request Refund. This rule was a guideline for determining who should request the refund of an overpayment of tax.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 190-4 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.526 Refund Rather Than Credit. This rule interpreted the sales tax law as it applied to refunds.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 190-7 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.528 No Interest on Refund/Credit. This rule interpreted the sales tax law as it applied to interest on a refund/credit.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 190-8 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.530 Unconstitutional Taxes. This rule provided when taxes unconstitutionally imposed may be recovered.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Based on the 1952 Supreme Court Decision *Kleban v. Morris*, 363 Mo. 7, 247 SW2d 832. S.T. regulation 200-1 was last filed Dec. 31, 1975, effective

Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

PROPOSED RESCISSION

12 CSR 10-3.852 Orthopedic and Prosthetic Devices, Insulin and Hearing Aids. This rule interpreted the sales tax law as it applied to the sale of insulin, prosthetic and orthopedic devices, and hearing aids, and interpreted and applied section 144.030, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed Aug. 23, 1988, effective Jan. 27, 1989. Amended: Filed Dec. 12, 1989, effective May 24, 1990. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.255 Who Should Request Refund. This rule defined who was authorized to request a refund and interpreted and applied section 144.695, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 695-1 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.260 Claim Form. This rule provided where the claim form could be obtained and interpreted and applied section 144.695, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 695-2 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.265 Refund Rather Than Credit. This rule indicated when a refund would be made rather than a credit and interpreted and applied section 144.695, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 695-3 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

ments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.275 Application Required. This rule contained information as to how and when to file a claim, approval of a claim and whether a credit or refund was applicable, and interpreted and applied section 144.695, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. U.T. regulation 695-5 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax

PROPOSED RESCISSION

12 CSR 10-4.330 Application for Refund/Credit-Amended Returns. This rule interpreted the use tax law as it applied to the procedure for recovering an overpayment of tax and interpreted and applied section 144.695, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 144.705, RSMo 1994. Original rule filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax

PROPOSED RESCISSION

12 CSR 10-5.080 Refund Procedures. This rule indicated the requirements of a claim for overpayment and whether a refund or credit was appropriate and interpreted and applied section 94.550.2, RSMo 1986.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: section 94.530, RSMo 1986. C.S.T. regulation 550-1 originally filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 11—County Sales Tax

PROPOSED RESCISSION

12 CSR 10-11.150 Refund Procedure. This rule set forth the requirements of a claim for overpayment and whether a refund or credit was appropriate.

PURPOSE: This rule is being rescinded because it is superseded by other rules.

AUTHORITY: sections 67.515 and 67.706, RSMo 1986. Original rule filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed April 19, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

PROPOSED AMENDMENT

12 CSR 10-24.050 Deletion of Traffic Convictions and Suspension or Revocation Data From Missouri Driver Records. The director proposes to amend section (1).

PURPOSE: The proposed amendment reflects procedure changes required for maintaining convictions on the driver record and for ensuring appropriate assessment of points for convictions relating to no driver license and no motorcycle qualifications.

(1) The Department of Revenue, when otherwise not prohibited by law, may delete from a Missouri driver record a previously recorded traffic conviction, suspension or revocation of a driving privilege if all of the following conditions are met:

(B) The conviction is not for a state violation of “no driver license,” a state violation of “no motorcycle qualified” or a state, county or municipal violation of “driving while suspended/revoke[d].”;

(E) The suspension or revocation on the driver record did not involve an alcohol-related offense or enforcement contact; except when the offense was committed by a person under the age of twenty-one (21), who had a blood alcohol content of .02 through .099 and an expungement of the records is provided for in section 302.545, RSMo;

AUTHORITY: sections 302.304 [and], 302.309[, RSMo Supp. 1999] and 303.041, RSMo [(1994)] Supp. 1999. Original rule filed May 27, 1986, effective Aug. 25, 1986. Amended: Filed Sept. 8, 1989, effective Jan. 26, 1990. Amended: Filed Jan. 31, 1992, effective June 25, 1992. Amended: Filed Nov. 4, 1999, effective May 30, 2000. Amended: Filed May 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 115—Sales/Use Tax—Statute of Limitations

PROPOSED RULE

12 CSR 10-115.100 Bad Debts Credit or Refund

PURPOSE: sections 144.190 and 144.696, RSMo provide for refund of overpayments. Section 144.220, RSMo sets forth the law on the statute of limitations. This rule explains how to claim a credit or refund for tax paid on a sale that has become a bad debt.

(1) In general, a seller may file for a credit or refund within the three-year statute of limitations when sales are written off as bad debts.

(2) Definition of Terms.

(A) Bad debt is a sale that has been written off for state or federal income tax purposes. In order to qualify for a bad debt deduction for sales or use tax purposes, a sale must have been previously reported as taxable.

(B) Accrual or gross sales reporting method means a seller reports the sale and remits the tax at the time of the sale. The receipts are not received from the buyer until a later date. Therefore, a timing difference occurs between the time that the sale, with applicable sales tax, is reported to the state and the time that the seller receives payment from the buyer.

(3) Basic Application of the Law.

(A) A seller may file for a refund or credit within the three-year statute of limitations for those sales written off as bad debts if the sales were reported using the accrual or gross sales method. This period is calculated from the due date of the return or the date the tax was paid, whichever is later.

(B) If a bad debt credit or refund is given and the debt is later collected, that amount must be reported on the next return as a taxable sale.

(4) Examples.

(A) A retailer reports and pays sales tax on the accrual or gross sales method. The retailer determines some sales to customers are not collectible and writes them off as bad debts for income tax purposes. The retailer requests a credit or refund from the state within the three-year statute of limitations. The credit or refund would be granted.

(B) A retailer reports and pays sales tax on the accrual or gross sales method. The retailer determines some sales to customers are not collectible and writes them off as bad debts for income tax purposes. The retailer requests a credit or refund from the state four years after the sale was reported and the tax was remitted to the state. The credit or refund would be denied.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed April 19, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered comments must be received within thirty days after publication of this notice on the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging**

Chapter 15—Residential Care Facilities I and II

PROPOSED RULE

13 CSR 15-15.045 Standards and Requirements for Residential Care Facilities II Which Provide Services to Residents with Alzheimer's Disease or Other Dementia

PURPOSE: This rule establishes the additional standards for those residential care facilities II designed and licensed to care for residents who are physically capable but mentally incapable of negotiating a pathway to safety due to Alzheimer's disease or other dementia.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Definitions. For the purposes of this rule, the following definitions shall apply:

(A) Activities of daily living (ADLs) mean a resident's ability to eat, bathe, toilet, dress, transfer and ambulate.

(B) Chemical restraint means a psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms.

(C) Convenience means any action taken by the facility to control resident behavior or maintain residents with a lesser amount of effort by the facility and not in the resident's best interests.

(D) Discipline means any action taken by the facility for the purpose of punishing or penalizing residents.

(E) Individual service plan means the planning document which outlines and describes:

1. The unique characteristics, strengths, and needs of a particular resident;
2. The services to be provided which meet the resident's needs; and
3. The outcomes expected as a result of meeting the resident's needs.

(F) Licensed professional means any of the following:

1. Physician, as defined in and licensed under the provisions of Chapter 334, RSMo;

2. Nurse, as defined in and licensed under the provisions of Chapter 335, RSMo;

3. Psychologist, as defined in and licensed under the provisions of Chapter 337, RSMo;

4. Professional counselor, as defined in and licensed under the provisions of Chapter 337, RSMo; and

5. Clinical social worker, as defined in and licensed under the provisions of Chapter 337, RSMo.

(G) Physical restraint means any physically applied method, or mechanical device which the resident cannot easily remove, that restricts the free movement or normal functioning of any portion of the resident's body, or the resident's normal access to common areas and his or her personal spaces.

(H) Resident, only for the purpose of this rule, means an individual who is mentally incapable of negotiating a pathway to safety due to Alzheimer's disease or other dementia.

(I) Safe Unit means a designated, separated area where residents with Alzheimer's disease or other dementia reside and receive services and which is secured by limited access.

(J) Significant change means any change in the resident's physical, emotional or psychosocial condition or behavior that would require an adjustment or modification in the resident's treatment or services.

(2) General Requirements.

(A) A residential care facility II which admits or continues to care for persons who have been diagnosed with Alzheimer's disease or other dementia who are physically capable but mentally incapable of negotiating a pathway to safety with the use of assistive devices or aids when necessary, shall not care for any person unless:

1. The person has been diagnosed with Alzheimer's disease or other dementia by a physician licensed to practice medicine; and

2. The facility is able to provide appropriate services for and meet the needs of the resident. I/II

(B) A residential care facility II may admit or continue to care for residents who have been diagnosed with Alzheimer's disease or

other dementia if the residents are physically capable but mentally incapable of negotiating a pathway to safety with the use of assistive devices or aids when necessary, providing the facility is in compliance with the provisions of Chapter 198, RSMo and all regulations under which the facility is licensed by the Division of Aging. I/II

(C) A residential care facility II which admits or continues to care for persons who have been diagnosed with Alzheimer's disease or other dementia who are physically capable but mentally incapable of negotiating a pathway to safety with the use of assistive devices or aids when necessary, shall comply with the provisions of the Alzheimer's Special Care Disclosure Act pursuant to sections 198.500 to 198.515, RSMo. II

(D) A residential care facility II which admits or continues to care for persons who have been diagnosed with Alzheimer's disease or other dementia who are physically capable but mentally incapable of negotiating a pathway to safety with the use of assistive devices or aids when necessary, shall not admit, retain or continue to care for any resident who is mentally incapable of negotiating a pathway to safety with the use of assistive devices or aids who:

1. Has exhibited behaviors which indicate that the resident is a danger to self or others;
2. Is at constant risk of elopement and, despite repeated interventions which have not altered the resident's behavior, continues to be a danger to self;
3. Requires physical or chemical restraint as defined in this rule;
4. Requires skilled nursing services as defined in section 198.006(17), RSMo for which the facility is not licensed or able to provide;
5. Requires more than one person to simultaneously provide physical assistance to the resident with any activity of daily living, with the exception of bathing; or
6. Is bed-bound or chair-bound and is unable to ambulate due to a debilitating or chronic condition. I/II

(3) Physical Design and Fire Safety Requirements.

(A) The facility shall be equipped with a complete sprinkler system installed and maintained in accordance with the 1996 edition of the National Fire Protection Association (NFPA) 13, *Standard for the Installation of Sprinkler Systems*, or the 1996 edition of NFPA 13R, *Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height*, which are incorporated by reference in this rule. I/II

(B) The facility shall be equipped with a complete electrically supervised fire alarm system in accordance with the provisions of the 1997 *Life Safety Code for Existing Health Care Occupancy*, incorporated by reference in this rule. The system shall include smoke detectors located no more than thirty feet (30') apart in corridors with no point in the corridor located more than fifteen feet (15') from a smoke detector. The fire alarm system shall be equipped to automatically transmit an alarm to the fire department. I/II

(C) Each floor used for resident bedrooms shall be divided into at least two (2) smoke sections by one (1)-hour rated smoke stop partitions. No smoke section shall exceed one hundred fifty feet (150') in length. If, however, neither the length nor width of a floor exceeds seventy-five feet (75'), no smoke stop partitions are required. Openings in smoke stop partitions shall be protected by one and three-fourths inches (1 3/4")-thick solid core wood doors or metal doors with an equivalent fire rating. The doors shall be equipped with closers and magnetic hold-open devices. Any duct passing through this smoke wall shall be equipped with automatic resetting smoke dampers that are activated by the fire alarm system. Smoke partitions shall extend from outside wall-to-outside wall and from floor-to-floor or floor-to-roof deck. II

(D) In a multilevel facility, residents who are mentally incapable of negotiating a pathway to safety shall be housed only on the ground floor. All required exits shall be at grade, or have no more than two steps to grade, or have a ramp to grade. The ramp shall have a maximum slope of one to twelve (1:12) leading to grade. II

(E) The facility shall take necessary measures to provide residents with the opportunity to explore the facility and, if appropriate, its grounds. If enclosed or fenced courtyards are provided, residents shall have free access to such courtyards. Enclosed or fenced courtyards that are accessible through a required exit door shall be large enough to provide an area of refuge for fire safety at least thirty feet (30') from the building. Enclosed or fenced courtyards that are accessible through a door other than a required exit shall have no size requirements. II

(F) The facility shall provide freedom of movement for the residents to common areas and to their personal spaces. The facility shall not lock residents out of or inside their rooms. Key operated locks shall not be permitted on resident room doors. I/II

(G) Every facility shall use a personal electronic monitoring device for any resident whose physician recommends the use of such device. II

(H) The facility may provide Safe Units for residents who are mentally incapable of negotiating a pathway to safety if the following conditions are met:

1. Dining rooms, living rooms, activity rooms, and other such common areas shall be provided within the Safe Unit. The total area for common areas within Safe Units shall be equal to at least forty (40) square feet per resident; II/III

2. Doors separating the Safe Unit from the remainder of the facility or building shall not be equipped with locks that require a key to open; I/II

3. If locking devices are used on exit doors egressing the facility or on doors accessing Safe Units, delayed egress magnetic locks shall be used. These delayed egress devices shall comply with the following:

- A. The lock must unlock when the fire alarm is activated;
- B. The lock must unlock when the power fails;

- C. The lock must unlock within thirty (30) seconds after the release device has been pushed for at least three (3) seconds, and an alarm must sound adjacent to the door;

- D. The lock must be manually reset and cannot automatically reset; and

- E. A sign shall be posted on the door that reads: PUSH UNTIL ALARM SOUNDS, DOOR CAN BE OPENED IN 30 SECONDS; and I/II

4. The delayed egress magnetic locks may also be released by a key pad located adjacent to the door for routine use by staff. I/II

(4) Staffing Requirements.

(A) The facility shall be staffed twenty-four (24) hours a day by the adequate number and type of personnel necessary for the proper care of residents and upkeep of the facility in accordance with the staffing requirements found in 13 CSR 15-15.042. In meeting such staffing requirements, every resident who is mentally incapable of negotiating a pathway to safety shall count as three (3) residents. I/II

(B) All on-duty staff of the facility shall, at all times, be awake, dressed in on-duty work attire, and prepared to assist residents in case of emergency. I/II

(5) Assessments and Individual Service Plans.

(A) Prior to admitting or continuing to care for a resident diagnosed with Alzheimer's disease or other dementia, a family member or legal representative of the resident, in consultation with the resident's primary physician, shall meet with a facility representative to determine if the facility can meet the needs of the resident. The facility shall document the decisions regarding admission or

continued placement in the facility through written verification by the family member, physician and the facility representative. II

(B) The facility shall use the information obtained from the Minimum Data Set (MDS) assessment to determine if it can meet the needs of each resident who is mentally incapable of negotiating a pathway to safety. II/III

(C) Each resident shall be assessed by a licensed professional, as defined in subsection (1)(F) of this rule, by use of the MDS:

1. Within ten (10) days of admission; and
2. Every one hundred eighty (180) days thereafter; or
3. Whenever a significant change occurs in the resident's condition as defined in subsection (1)(J) of this rule. I/II

(D) Based on the MDS assessment, an interdisciplinary team shall develop an individual service plan for each resident who is mentally incapable of negotiating a pathway to safety. Whenever possible and appropriate, the resident, family members or other individuals instrumental in identifying the needs of, or providing treatment or services to, the resident shall be involved in the development or revision of the individual service plan. Every individual service plan shall be signed by each person participating in its development. II/III

(E) An individual service plan shall be completed and implemented within twenty (20) days after the completion of an MDS assessment of a resident. I/II

(F) An individual service plan shall describe the resident's needs and preferences, the specific methods and services, desired outcomes or interventions, and the names of the staff, service provider, and if applicable, family members who are primarily responsible for implementing the individual service plan. At a minimum, the individual service plan for each resident shall identify:

1. The resident's capabilities, strengths, potential, preferences and customary behaviors;
2. The resident's behavioral, medical and social needs based on the assessment;
3. The services provided to meet the needs of the resident;
4. The expected outcomes of the services provided; and
5. Staff or other persons responsible for providing the services to meet the needs of the resident. II/III

(G) The facility shall make each resident's individual service plan available for use to all persons providing services to residents. II/III

(6) Staff Training and Orientation.

(A) All facility personnel who provide direct care to residents who are mentally incapable of negotiating a pathway to safety shall receive at least twenty-four (24) hours of training within the first thirty (30) days of employment.

1. At least twelve (12) hours of the twenty-four (24) hours of training shall be classroom instructions; and

2. Six (6) classroom instruction hours and two (2) on-the-job training hours shall be related to the special needs, care and safety of residents with dementia. II

(B) All facility personnel, regardless of whether such personnel provide direct care to residents who cannot negotiate a pathway to safety, shall receive on a quarterly basis at least four (4) hours of in-service training, with at least two (2) such hours relating to the care and safety of residents who are mentally incapable of negotiating a pathway to safety. II

(C) Any training related to the special needs, treatment and safety of residents with dementia shall include, but not be limited to, the following:

1. An overview of Alzheimer's disease and other dementia;
2. Communication techniques which are effective in enhancing and maintaining communication skills for residents with dementia;
3. Components of or techniques for creating a safe, secure and socially oriented environment for residents with dementia;

4. Provision of structure, stability and a sense of routine for residents based on their needs;

5. Effective management of different or difficult behaviors; and

6. Issues involving families and caregivers. II/III

(D) All in-service or orientation training relating to the special needs, care and safety of residents who are mentally incapable of negotiating a pathway to safety shall be conducted by a training instructor who is qualified by education, experience or knowledge in the care of individuals with Alzheimer's disease or other dementia. II/III

(7) Programs and Services for Residents Who Are Mentally Incapable of Negotiating a Pathway to Safety.

(A) Each facility shall make available and implement self-care, productive and leisure activity programs for persons with dementia which maximize and encourage the resident's optimal functional ability. The facility shall provide activities that are appropriate to the resident's individual needs, preferences, background and culture. Individual or group activity programs may consist of the following:

1. Gross motor activities, such as exercise, dancing, gardening, cooking and chores;
2. Self-care activities, such as dressing, grooming and personal hygiene;
3. Social and leisure activities, such as games, music and reminiscing;
4. Sensory enhancement activities, such as auditory, olfactory, visual and tactile stimulation;
5. Outdoor activities, such as walking and field trips;
6. Creative arts; or
7. Other social, leisure or therapeutic activities that encourage mental and physical stimulation or enhance the resident's well-being. II/III

(B) The facility shall develop and implement written policies and procedures which address, at a minimum:

1. The facility's admission, transfer and discharge criteria taking into account the individual's needs and the facility's ability to meet those needs;
2. The basic services provided or offered to residents with Alzheimer's disease or other dementia;
3. The procedures and actions to be taken in the event of resident elopement;
4. The development and implementation of individual service plans;
5. The assignment of staff to residents based on the resident's needs which minimize resident confusion and maintain familiarity with environment;
6. Staff orientation and in-service training relating to the special needs, care and safety of residents with dementia;
7. Fire drill and emergency evacuation procedures for residents who are mentally incapable of negotiating a pathway to safety; and
8. The protection of the rights, privacy and safety of residents and the prevention of financial exploitation of residents. II/III

AUTHORITY: section 198.073, RSMo Supp. 1999. Original rule filed April 28, 2000.

PUBLIC COST: This proposed rule will cost participating county/nursing home district residential care facilities II \$12,012 in FY-01, and \$5,208 in FY-02 and annually thereafter for the life of the rule. A detailed fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost participating private entities \$98,208 in FY-01, \$249,942 in FY-02, \$446,490 in FY-03,

and \$290,400 annually thereafter for the life of the rule. This proposed rule will cost participating private entities with Safe Units \$768,350 in FY-02, and \$124,080 thereafter for the life of the rule. The annual impact will include some costs to small businesses. A detailed fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Richard C. Dunn, Director, Division of Aging, 615 Howerton Court, P.O. Box 1337, Jefferson City, MO 65102-1337. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 15 - Residential Care Facilities I and II

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 15-15.045—Standards and Requirements for Residential Care Facilities II Which Provide Services to Residents with Alzheimer's Disease or Other Dementia.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	County/Nursing Home District Residential Care Facilities II	FY-01 - \$12,012
2	County/Nursing Home District Residential Care Facilities II	FY-02 - \$5,208*

*Annually for the life of the rule

III. WORKSHEET

- **Staff Training:** Eleven (11) full-time employees of one (1) LPN @ \$11/hr., four (4) Med. Aides @ \$6.25/hr., three (3) CNAs @ \$10/hr., three (3) non-direct care staff @ \$5.35/hr., and five (5) part-time employees of one (1) RN @ \$18/hr., three (3) Med. Aides @ \$6.25/hr., and one (1) CNA @ \$10/hr. Total direct care wages/hr. = \$112.75; total staff wages/hr. = \$129.00/hr. Twenty percent (20%) staff turnover rate @ avg hr rate = Three (3) staff @ \$8/hr.= \$24/hr.
24 hrs. Orientation x \$112.75 = \$2,706 (first year only); 24 hrs. Orientation x \$24 = \$576 (ongoing); 16 hrs. In-service training x \$129/hr. = \$2,064. Total training costs/RCF II for first year: \$2,706 + \$576 + \$2,064 = \$5,346. Ongoing training costs/RCF II: \$576 + \$2,064 = \$2,640.
- **Fire Safety Requirements:** One and three-fourths inches solid core doors @ \$300/door. Non-locking door knobs @ \$20/resident room door. Average cost per affected RCF II = \$660

IV. ASSUMPTIONS

1. All rules in 13 CSR 15 are integrally related. All Chapter 15 rules should be considered collectively to obtain a complete assessment of the costs related to Residential Care Facilities (RCFs).

2. There are 14 Nursing Home Districts with approximately 30 RCF IIs. For the purposes of completing this fiscal note, it is assumed that the average RCF II has 27 residents with 11 full-time staff and 5 part-time staff. Three of the 11 staff do not provide direct care. The turnover rate among staff is assumed to be 20%.
3. Assumes that all employees, both full-time and part-time, attend required orientation and training.
4. In the first year (FY-01) it is assumed that two RCF IIs shall decide to admit or continue to care for residents who are physically capable but mentally incapable of negotiating a pathway to safety with the use of assistive devices or aids due to Alzheimer's disease or other dementia. It is assumed that this number will remain constant for the life of the rule, as this rule does not require RCFs to participate.
5. Assumes that each participating RCF II will have three (3) residents with Alzheimer's disease or other dementia who cannot mentally negotiate a pathway to safety.
6. Assumes that both of the participating facilities will need to meet the additional fire safety standards. In FY-01 it will cost the (2) RCF IIs \$1,320 for doors and hardware.
7. This rule is mandated by section 198.073, RSMo (Supp. 1999); therefore, the life of the rule cannot be determined by the Division of Aging.
8. As this rule is substantially based on the statutory requirements of Chapter 198, RSMo (Supp. 1999), a takings analysis is not required under section 536.017, RSMo (Supp. 1999). However, a takings analysis has occurred and a determination made that the proposed rule does not constitute a taking of real property under relevant state and federal laws.
9. Any other costs not identified within this fiscal note are unforeseen and unquantifiable.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 15 - Residential Care Facilities I and II

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 15-15.045—Standards and Requirements for Residential Care Facilities II Which Provide Services to Residents with Alzheimer's Disease or Other Dementia.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
18	Residential Care Facilities II	FY-01 - \$98,208
55	Residential Care Facilities II	FY-02 - \$249,942
110	Residential Care Facilities II	FY-03 - \$446,490
110	Residential Care Facilities II	FY-04 - \$290,400*
55	RCF IIs with Safe Units	FY-02 - \$768,350
55	RCF IIs with Safe Units	FY-03 - \$124,080*

*Annually for the life of the rule

III. WORKSHEET

- **Staff Training:** Eleven (11) full-time employees of one (1) LPN @ \$11/hr., four (4) Med. Aides @ \$6.25/hr., three (3) CNAs @ \$10/hr., three (3) non-direct care staff @ \$5.35/hr., and five (5) part-time employees of one (1) RN @ \$18/hr., three (3) Med. Aides @ \$6.25/hr., and one (1) CNA @ \$10/hr. Total direct care wages/hr. = \$112.75; total staff wages/hr. = \$129.00/hr. Twenty percent (20%) staff turnover rate @ avg hr rate = Three (3) staff @ \$8/hr.= \$24/hr.
 24 hrs. Orientation x \$112.75 = \$2,706 (first year only); 24 hrs. Orientation x \$24 = \$576 (ongoing); 16 hrs. In-service training x \$129/hr. = \$2,064. Total training costs/RCF II for first year: \$2,706 + \$576 + \$2,064 = \$5,346. Ongoing training costs/RCF II: \$576 + \$2,064 = \$2,640.
- **Staff Training for RCF II Safe Unit:** For six (6) residents/Safe Unit - one (1) LPN; two (2) Med. Aides; two (2) CNAs; and three (3) part-time Med. Aides. Unit hourly wage = \$62.25 x 24 hrs training = \$1,494 (first year only); turnover rate of 20% = one x \$8/hr x 24 hrs. = \$192; in-service training for all staff = \$2,064.
 FY-02: \$1,494 + \$192 + \$2,064 = \$3,750; FY-03: \$192 + \$2,064 = \$2,256

- Fire Safety Requirements: One and three-fourths inches solid core doors @ \$300/door. Non-locking door knobs @ \$20/resident room door. Average cost per affected RCF II = \$660
- For RCF II with Safe Unit - Delayed egress locking systems @ \$2,000/door; Additional square feet (15 ft @ \$82/sq ft = \$1,230/resident x 6 residents = \$7,380
FY-02 cost for six (6) resident Safe Unit = \$3,750 (training) + \$600 (doors) + \$240 (door knobs) + \$2,000 (delayed egress door) + \$7,380 = \$13,970/RCF II x 55 RCF II = \$768,350 FY-03 cost for ongoing and in-service training = \$2,256/RCF II x 55 RCF II = \$124,080

IV. ASSUMPTIONS

1. All rules in 13 CSR 15 are integrally related. All Chapter 15 rules should be considered collectively to obtain a complete assessment of the costs related to Residential Care Facilities (RCFs).
2. There are 356 RCF IIs with 15,556 beds and 9,966 residents. The occupancy rate is 56%. For the purposes of completing this fiscal note, it is assumed that the average RCF II has 27 residents with 11 full-time staff and 5 part-time staff. Three of the 11 staff do not provide direct care. The turnover rate among staff is assumed to be 20%.
3. Assumes that all employees, both full-time and part-time, attend required orientation and training.
4. In the first year (FY-01) it is assumed that five percent (5%) of the RCF IIs (18 RCF IIs) shall decide to admit or continue to care for residents who are physically capable but mentally incapable of negotiating a pathway to safety with the use of assistive devices or aids due to Alzheimer's disease or other dementia. In FY-02 the number of RCF IIs will increase by 37 facilities to 55 facilities (15%). In FY-03 the number of RCF IIs will increase by 55 facilities to 110 facilities (30%). It is assumed that the 30% rate will remain constant for the life of the rule, as this rule does not require RCFs to participate.
5. Assumes that each participating RCF II will have three (3) residents with Alzheimer's disease or other dementia who cannot mentally negotiate a pathway to safety.
6. Assumes that twenty percent (20%) of participating facilities will need to meet the additional fire safety standards. In FY-01 it will cost three (3) RCF IIs \$1,980 for doors and hardware; in FY-02 it will cost seven (7) RCF IIs \$4,620 in doors and hardware; and in FY-03 it will cost eleven (11) RCF IIs \$7,260 for doors and hardware.
7. This rule is mandated by section 198.073, RSMo (Supp. 1999); therefore, the life of the rule cannot be determined by the Division of Aging.
8. As this rule is substantially based on the statutory requirements of Chapter 198, RSMo (Supp. 1999), a takings analysis is not required under section 536.017, RSMo (Supp. 1999). However, a takings analysis has occurred and a determination made that the proposed rule does not constitute a taking of real property under relevant state and federal laws.
9. Any other costs not identified within this fiscal note are unforeseen and unquantifiable.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending sections (1), (2), (3), (5), (6), (15), (16), (18) and (21).

PURPOSE: The proposed amendment to section (1) clarifies the types of Medicaid reimbursement hospitals may receive, the proposed amendment to section (2) corrects the citation to a subsection in the regulation that has been amended, the proposed amendment to section (3) provides for the trend factor for State Fiscal Year (SFY) 2001, the proposed amendment to section (5) corrects the citation to a subsection in the regulation that has been amended and updates certain citations to federal regulations formerly appearing in the Title 42, part 405, which were redesigned as part 413 of Title 42, the proposed amendment to section (6) adds an additional category of hospital which shall be provided a safety net adjustment, the proposed amendment to section (15) provides for using a base year cost report that is the most representative of costs for safety net hospitals, the proposed amendment to section (16) redefines the safety net adjustment and adds paragraph (16)(A)2. to authorize use of certified funds as the state share of the safety net adjustment, the authorization which was inadvertently deleted in a prior amendment, the proposed amendment to section (18) adjusts the percent of uninsured costs paid for SFY 2001 and the proposed amendment to section (21) provides for an add-on payment to all teaching hospitals for graduate medical education.

(1) General Reimbursement Principles.

(C) The Title XIX reimbursement for hospitals, excluding those located outside Missouri and in-state federal hospitals, shall include per-diem payments, outpatient payments, */and/* disproportionate share payments; various Medicaid Add-On payments, as described in this rule; or a safety net adjustment, paid in lieu of Direct Medicaid Payments described in section (15) and Uninsured Add-Ons described in subsection (18)(B). Reimbursement shall be subject to availability of federal financial participation (FFP).

1. Per-diem reimbursement—The per-diem rate is established in accordance with section (3).

2. Outpatient reimbursement is described in section (13).

3. Disproportionate share reimbursement—The disproportionate share payments described in */paragraph (16)(A)1./ section (16)*, and */section/ subsection (18)(B)* include both the federally mandated reimbursement for hospitals which meet the federal requirements listed in */subsection (6)(A)/ section (6)* and the discretionary disproportionate share payments which are allowable but not mandated under federal regulation. */are described in paragraph (16)(A)1., and section (18). These/ A Safety Net Adjustment, section (16), and /Medicaid/ Uninsured Add-Ons, subsection (18)(B),* are subject to federal limitation described in Omnibus Reconciliation Act of 1993 (OBRA 93) and section (17) of this regulation.

4. Medicaid Add-Ons—Medicaid Add-Ons are described in sections (15), (19) and (21) and are in addition to Medicaid per-diem payments. These payments are subject to the federal Medicare Upper Limit test.

5. Safety Net Adjustment—The payments described in subsection (16)(A) are paid in lieu of Direct Medicaid Payments described in section (15) and Uninsured Add-Ons described in subsection (18)(B).

(2) Definitions.

(G) Disproportionate share reimbursement. The disproportionate share payments described in */paragraph (16)(A)1./ section (16)*, and */section/ subsection (18)(B)* include both the federally mandated reimbursement for hospitals which meet the federal requirements listed in */subsection (6)(A)/ section (6)* and the discretionary disproportionate share payments which are allowed but not mandated under federal regulation. */are described in paragraph (16)(A)1., and section (18) of this regulation. These/ A Safety Net Adjustment, section (16), and /Medicaid/ Uninsured Add-Ons, subsection (18)(B),* are subject to federal limitation as described in Omnibus Reconciliation Act of 1993 (OBRA 93) and section (17) of this regulation.

(3) Per-Diem Reimbursement Rate Computation. Each hospital shall receive a Medicaid per-diem rate based on the following computation.

(B) Trend indices (TI). Trend indices are determined based on the four (4)-quarter average DRI Index for DRI-Type Hospital Market Basket as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY) 1995 to 1998. Trend indices starting in SFY 1999 will be determined based on CPI Hospital indexed as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY).

1. The TI are—

- A. SFY 1994—4.6%
- B. SFY 1995—4.45%
- C. SFY 1996—4.575%
- D. SFY 1997—4.05%
- E. SFY 1998—3.1%
- F. SFY 1999—3.8%
- G. SFY 2000—4.0%*/J/*
- H. SFY 2001—3.9%.

2. The TI for SFY 1996 through SFY 1998 are applied as a full percentage to the OC of the per-diem rate and for SFY 1999 the OC of the June 30, 1998 rate shall be trended by 1.2% and for SFY 2000 the OC of the June 30, 1999 rate shall be trended by 2.4%. **The OC of the June 30, 2000 rate shall not be trended for SFY 2001.**

(5) Administrative Actions.

(B) Records.

1. All hospitals are required to maintain financial and statistical records in accordance with 42 CFR **/405.406/ 413.20**. For purposes of this plan, statistical and financial records shall include beneficiaries' medical records and patient claim logs separated for inpatient and outpatient services billed to and paid for by Missouri Medicaid (excluding cross-over claims) respectively. Separate logs for inpatient and outpatient services should be maintained for Medicaid recipients covered by managed care (MC+). All records must be available upon request to representatives, employees or contractors of the Missouri Medical Assistance Program, Missouri Department of Social Services, General Accounting Office (GAO) or the United States Department of Health and Human Services (HHS). The content and organization of the inpatient and outpatient logs shall include the following:

A. A separate Medicaid log for each fiscal year must be maintained by either date of service or date of payment by Medicaid for claims and all adjustments of those claims for services provided in the fiscal period. Lengths of stay covering two (2) fiscal periods should be recorded by date of admission. The information from the Medicaid log should be used to complete the Medicaid worksheet in the hospital's cost report;

B. Data required to be recorded in logs for each claim include:

- (I) Recipient name and Medicaid number;
- (II) Dates of service;

(III) If inpatient claim, number of days paid for by Medicaid, classified by adults and ped., each subproviders, newborn or specific type of intensive care;

(IV) Charges for paid inpatient days and inpatient ancillary charges for paid days classified by cost center as reported in the cost report or allowed outpatient services, classified by cost center as reported on cost report;

(V) Noncovered charges combined under a separate heading;

(VI) Total charges;

(VII) Any partial payment made by third-party payers (claims paid equal to or in excess of Medicaid payment rates by third-party payers shall not be included in the log);

(VIII) Medicaid payment received or the adjustment taken; and

(IX) Date of remittance advice upon which paid claim or adjustment appeared;

C. A year-to-date total must appear at the bottom of each log page or after each applicable group total or a summation page of all subtotals for the fiscal year activity must be included with the log; and

D. Not to be included in the outpatient log are claims or line item outpatient charges denied by Medicaid or claims or charges paid from an established Medicaid fee schedule. This would include payments for General Relief (GR) recipients, payments for hospital-based physicians and certified registered nurse anesthetists billed by the hospital on a professional services claim, payments for certain specified clinical diagnostic laboratory services, or payments for services provided by the hospital through enrollment as a Medicaid provider-type other than hospital outpatient.

2. Records of related organizations, as defined by 42 CFR /405.427(a)/ **413.17**, must be available upon demand to those individuals or organizations as listed in paragraph (5)(B)1. of this rule.

3. The Missouri Division of Medical Services shall retain all uniform cost reports submitted for a period of at least three (3) years following the date of submission of the reports and will maintain those reports pursuant to the record keeping requirements of 42 CFR 413.20. If an audit by, or on behalf of, the state or federal government has begun but is not completed at the end of the three (3)-year period, or if audit findings have not been resolved at the end of the three (3)-year period, the reports shall be retained until resolution of the audit findings.

4. The Missouri Division of Medical Services shall maintain any responses received on this plan, subsequent changes to this plan and rates for a period of three (3) years from the date of receipt.

(F) Rate Reconsideration.

1. Rate reconsideration may be requested under this subsection for changes in allowable cost which occur subsequent to the base period described in */subsection (2)(C)/ subsection (3)(A)*. The effective date for any increase granted under this subsection shall be no earlier than the first day of the month following the Division of Medical Services' final determination on rate reconsideration.

2. The following may be subject to review under procedures established by the Medicaid agency:

A. Substantial changes in or costs due to case mix;

B. New, expanded or terminated services as detailed in subsection (5)(C); and

C. When the hospital experiences extraordinary circumstances which may include, but are not limited to, an act of God, war or civil disturbance.

3. The following will not be subject to review under these procedures:

A. The use of Medicare standards and reimbursement principles;

B. The method for determining the trend factor;

C. The use of all-inclusive prospective reimbursement rates; and

D. Increased costs for the successor owner, management or leaseholder that result from changes in ownership, management, control, operation or leasehold interests by whatever form for any hospital previously certified at any time for participation in the Medicaid program, except a review may be conducted when a hospital changes from nonprofit to proprietary or vice versa to recognize the change in its property taxes, see paragraph (5)(E)4.

4. As a condition of review, the Missouri Division of Medical Services may require the hospital to submit to a comprehensive operational review. The review will be made at the discretion of the state Medicaid agency and may be performed by it or its designee. The findings from any such review may be used to recalculate allowable costs for the hospital.

5. The request for an adjustment must be submitted in writing to the Missouri Division of Medical Services and must specifically and clearly identify the issue and the total dollar amount involved. The total dollar amount must be supported by generally acceptable accounting principles. The hospital shall demonstrate the adjustment is necessary, proper and consistent with efficient and economical delivery of covered patient care services. The hospital will be notified in writing of the agency's decision within sixty (60) days of receipt of the hospital's written request or within sixty (60) days of receipt of any additional documentation or clarification which may be required, whichever is later. Failure to submit requested information within the sixty (60)-day period shall be grounds for denial of the request. If the state does not respond within the sixty (60)-day period, the request shall be deemed denied.

(6) Disproportionate Share.

(A) Inpatient hospital providers may qualify as a */d/Disproportionate /s/Share /h/Hospital* (DSH) based on the following criteria. Hospitals shall qualify as */d/Disproportionate /s/Share /h/Hospitals* for a period of only one (1) state fiscal year and must requalify at the beginning of each state fiscal year to continue their disproportionate share classification—

1. If the facility offered nonemergency obstetric services as of December 21, 1987, there must be a least two (2) obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to these services under the Missouri Medicaid plan. In the case of a hospital located in a rural area (area outside of a metropolitan statistical area, as defined by the federal Executive Office of Management and Budget), the term obstetrician includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures. This section does not apply to hospitals either with inpatients predominantly under eighteen (18) years of age or which did not offer nonemergency obstetric services as of December 21, 1987;

2. As determined from the */third/ fourth* prior year desk-reviewed cost report, the facility must have either—

A. A Medicaid inpatient utilization rate (MIUR) at least one (1) standard deviation above the state's mean MIUR for all Missouri hospitals. The MIUR will be expressed as the ratio of total Medicaid days (TMD) provided under a state plan divided by the provider's total number of inpatient days (TNID). The state's mean MIUR will be expressed as the ratio of the sum of the total number of the Medicaid days for all Missouri hospitals divided by the sum of the total patient days for the same Missouri hospitals. Data for hospitals no longer participating in the program will be excluded;

$$\text{MIUR} = \frac{\text{TMD}}{\text{TNID}}$$

or

B. A low-income utilization rate (LIUR) in excess of twenty-five percent (25%). The LIUR shall be the sum (expressed as a percentage) of the fractions, calculated as follows:

(I) Total Medicaid patient revenues (TMPR) paid to the hospital for patient services under a state plan plus the amount of the cash subsidies (CS) directly received from state and local governments, divided by the total net revenues (TNR) (charges, minus contractual allowances, discounts and the like) for patient services plus the CS; and

(II) The total amount of the hospital's charges for patient services attributable to charity care (CC) (care provided to individuals who have no source of payment, third-party or personal resources) less CS directly received from state and local governments in the same period, divided by the total amount of the hospital's charges (THC) for patient services. The total patient charges attributed to CC shall not include any contractual allowances and discounts other than for indigent patients not eligible for medical assistance under a state plan;

$$\text{LIUR} = \frac{\text{TMPR} + \text{CS} + \text{CC} - \text{CS}}{\text{TNR} + \text{CS} \quad \text{THC}}$$

3. As determined from the *[third]* **fourth** prior year desk-reviewed cost report, the hospital—

A. Has an unsponsored care ratio of at least ten percent (10%). The unsponsored care ratio is determined as the sum of bad debts and CC divided by TNR and also meets either of the criteria in paragraph (6)(A)2.; or

B. Ranks in the top fifteen (15) in the number of Medicaid inpatient days provided by that hospital compared to Medicaid patient days provided by all hospitals, and the hospitals also have a Medicaid nursery utilization ratio greater than thirty-five percent (35%) as computed by dividing Title XIX nursery and neonatal days by total nursery and neonatal days; or

C. Operated a neonatal intensive care unit with a ratio of Missouri Medicaid neonatal patient days to Missouri Medicaid total patient days in excess of nine percent (9%) reported or verified by the division from the *[third]* **fourth** prior year cost report;

4. As determined from the *[third]* **fourth** prior year desk-reviewed cost report—

A. The acute care hospital has an unsponsored care ratio of at least sixty-five percent and is licensed for less than fifty inpatient beds; or

/A./B. The acute care hospital has an unsponsored care ratio of at least sixty-five percent (65%) and is licensed for fifty inpatient beds or more and has an occupancy rate of more than forty percent (40%); or

/B./C. The hospital is owned or operated by the Board of Curators as defined in Chapter 172, RSMo and the Missouri Rehabilitation Center created by Chapter 199, RSMo or their successors; or

/C./D. The hospital is a public hospital operated by the Department of Mental Health primarily for the care and treatment of mental disorders; and

5. As determined from the *[third]* **fourth** prior year desk-reviewed cost report, hospitals which annually provide more than five thousand (5,000) Title XIX days of care and whose Title XIX nursery days represent more than fifty percent (50%) of the hospital's total nursery days.

(B) Those hospitals which meet the criteria established in paragraphs (6)(A)1., (6)(A)2. and (6)(A)4. shall be deemed *[first tier ten percent (10%) add-on DSH/ safety net hospitals]*. Those hospitals which meet the criteria established in (6)(A)1. and (6)(A)3. shall be deemed first tier **Disproportionate Share Hospitals** (DSH). Those hospitals which meet only the criteria established in paragraphs (6)(A)1. and (6)(A)2. or (6)(A)1. and (6)(A)5. shall be deemed second tier DSH.

(15) Direct Medicaid Payments.

(B) Direct Medicaid payment will be computed as follows:

1. The Medicaid share of the FRA assessment will be calculated by dividing the hospital's Medicaid patient days by total hospital's patient days to arrive at the Medicaid utilization percentage. This percentage is then multiplied by the FRA assessment for the current SFY to arrive at the increased allowable Medicaid costs;

2. The unreimbursed Medicaid costs are determined by subtracting the hospital's per-diem rate from its trended per-diem costs. The difference is multiplied by the estimated Medicaid patient days for the current SFY.

A. The trended cost per day is calculated by trending the base year operating costs per day by the trend indices listed in paragraph (3)(B)1., using the rate calculation in subsection (3)(A).

B. For hospitals that meet the requirements in paragraphs (6)(A)1., (6)(A)2. and (6)(A)4. of this rule (safety net hospitals), the base year cost report may be from the third prior year, the fourth prior year, or the fifth prior year, based on the determination of the Division of Medical Services exercising its sole discretion as to which report is most representative of costs incurred. For hospitals that meet the requirements in paragraphs (6)(A)1. and (6)(A)3. of this rule (first tier Disproportionate Share Hospitals), the base year operating costs shall be based on the third prior year cost report. For all other hospitals, the base year operating costs are based on the fourth prior year cost report.

/B./C. The trended cost per day does not include the costs associated with the FRA assessment, the application of minimum utilization, the utilization adjustment and the poison control costs computed in paragraphs (15)(B)1., 3., 4., and 5.;

3. The minimum utilization costs for capital and medical education is calculated by determining the difference in the hospital's cost per day when applying the minimum utilization as identified in paragraph (5)(C)4., and without applying the minimum utilization. The difference in the cost per day is multiplied by the estimated Medicaid patient days for the SFY;

4. The utilization adjustment cost is determined by estimating the number of Medicaid inpatient days the hospital will not provide as a result of the MC+ Health Plans limiting inpatient hospital services. These days are multiplied by the hospital's cost per day to determine the total cost associated with these days. This cost is divided by the remaining total patient days from its base period cost report to arrive at the increased cost per day. This increased cost per day is multiplied by the estimated Medicaid days for the current SFY to arrive at the Medicaid utilization adjustment; and

5. The poison control cost shall reimburse the hospital for the prorated Medicaid managed care cost. It will be calculated by multiplying the estimated Medicaid share of the poison control costs by the percentage of MC+ recipients to total Medicaid recipients.

(16) Safety Net Adjustment. A safety net adjustment, **in lieu of the Direct Medicaid Payments and Uninsured Add-Ons**, shall be provided for each hospital which qualified as disproportionate share under the provision of paragraph (6)(A)4./**J** The safety net adjustment payment shall be made prior to the end of each federal fiscal year.

(A) The safety net adjustment for facilities not operated by the Department of Mental Health primarily for the care and treatment of mental disorders shall be computed in accordance with the *[OBRA 93 Limitation identified in section (17)]* Direct Medicaid Payment calculation described in section (15) and the Uninsured Add-Ons calculation in subsection (18)(B) of this regulation. The safety net adjustment will include the last three quarters of the SFY ending June 30 and the first quarter of the next SFY beginning July 1 to correspond with the FFY of October 1 to September 30.

(B) *[Adjustments provided under this section shall be considered reasonable costs for purpose of the determinations described in paragraph (5)(D)2.]* The safety net adjustment for facilities operated by the Department of Mental Health primarily for the care and treatment of mental disorders shall be computed in accordance with the Direct Medicaid Payment calculation described in section (15) and one hundred percent (100%) of the Uninsured costs calculation described in subsection (18)(B) of this regulation. The safety net adjustment will include the last three quarters of the SFY ending June 30 and the first quarter of the next SFY beginning July 1 to correspond with the FFY of October 1 to September 30.

(C) The state share of the safety net adjustment for hospitals described in subparagraphs (6)(A)4.A. and (6)(A)4.D. shall come from cash subsidy (CS) certified by the hospitals. If the aggregate CS are less than the state match required, the total aggregate safety net adjustment will be adjusted downward accordingly, and distributed to the hospitals in the same proportions as the original safety net adjustments.

(18) In accordance with state and federal laws regarding reimbursement of unreimbursed costs and the costs of services provided to uninsured patients, reimbursement for each State Fiscal Year (SFY) (July 1–June 30) shall be determined as follows:

(B) Uninsured Add-Ons. The hospital shall receive *[eighty-one percent (81%)]* **sixty-five percent (65%)** of the Uninsured costs prorated over the SFY. Hospitals which contribute through a plan approved by the director of health to support the state's poison control center and the Primary Care Resource Initiative for Missouri (PRIMO) shall receive *[eighty-two percent (82%)]* **sixty-six percent (66%)** of its uninsured costs prorated over the SFY. The uninsured Add-On will include:

1. The Add-On payment for the cost of the Uninsured will be based on a three year average of the fourth, fifth, and sixth prior base year cost reports. Cost of the uninsured *[This]* is determined by multiplying the charges for charity care and allowable bad debts by the hospital's total cost-to-charge ratio for allowable hospital services from the base year cost report's desk review. The cost of the Uninsured is then trended to the current year using the trend indices reported in subsection (3)(B). Allowable bad debts do not include the costs of caring for patients whose insurance covers the particular service, procedure or treatment;

2. An adjustment to recognize the Uninsured patients share of the FRA assessment not included in the desk-reviewed cost. The FRA assessment for Uninsured patients is determined by multiplying the current FRA assessment by the ratio of uninsured days to total inpatient days from the base year cost report;

3. The difference in the projected General Relief per-diem payments and trended costs for General Relief patient days;

4. The increased costs per day resulting from the utilization adjustment in subsection (15)(B) is multiplied by the estimated uninsured days; and

5. In order to maintain compliance with the Balanced Budget Act of 1997 (BBA) DSH cap and the budget neutrality provisions contained in Missouri's Medicaid Section 1115 Health Care Reform Demonstration Proposal, the Uninsured Add-On for SFY *[2000]* **2001** has been established at *[eighty-two percent (82%)]* **sixty-five percent (65%)** of the cost of the uninsured as computed in accordance with this subsection. *[One factor in determination of the payment percentage is an estimate that fifty-four (\$54) million dollars shall be paid from July 1, 1999 thru April 30, 2000 related to previously uninsured parents covered under the Medicaid Section 1115 Health Care Reform Demonstration Proposal. The SFY 2000 payment percentage shall be increased by an additional one percent (1%) for every three point five (\$3.5) million dollars increment not paid for parents covered under the Medicaid Section 1115 Health Care Reform*

Demonstration Proposal as of April 30, 2000. For example, if total spending on the Medicaid Section 1115 Health Care Reform Demonstration Proposal parent population is forty-seven (\$47) million dollars, as of April 30, 2000, the Uninsured Add-On percentage from SFY 2000 shall be increased by two percent (2%).]

A. The payment percentage in paragraph (18)(B)5. has been determined based on the estimate that one hundred four (104) million dollars shall be paid from July 1, 2000 through June 30, 2001, related to previously uninsured parents covered under the Medicaid Section 1115 Health Care Reform Demonstration Proposal.

B. The payment percentage in paragraph (18)(B)5. shall be increased by an additional one percent (1%) for each increment of three and one-half (3.5) million dollars of actual spending less than the estimate set forth in subparagraph (18)(B)5.A. For example, if total spending on the Medicaid Section 1115 Health Care Reform Demonstration Proposal for the parent population is eighty (80) million dollars, as of June 30, 2001, the Uninsured Add-On percentage for SFY 2001 shall be increased by two percent (2%).

C. The actual payments for the Medicaid Section 1115 Health Care Reform Demonstration Proposal for the parent population shall be reviewed on a quarterly basis to determine whether the annual estimate in subparagraph (18)(B)5.A. appears accurate or whether an increase in the payment percentage for uninsured costs is appropriate under subparagraph (18)(B)5.B.

(21) Enhanced Graduate Medical Education (GME) Payment—An enhanced GME payment shall be made to *[an]* any acute care hospital that provides graduate medical education (teaching hospital) *[if the hospital is a children's hospital or is a safety net hospital. A safety net hospital for purposes of this section is a hospital that has an unsponsored care ratio of at least sixty-five percent (65%) or the hospital is owned or operated by the Board of Curators as defined in Chapter 172, RSMo and the Missouri Rehabilitation Center created by Chapter 199, RSMo or their successors].*

(A) The enhanced GME payment shall be *[fifty percent (50%) of the teaching hospital's remaining unreimbursed aggregate approved amount for direct GME.]* computed in accordance with subsection (21)(B). The payment shall be made at the end of the state fiscal year. The enhanced GME payment for each state fiscal year shall be computed using the most recent cost data *[available from the Medicare cost report]* available when the enhanced GME payment is computed. If the cost report is less than or more than a twelve (12)-month period, the cost report data will be adjusted to reflect a twelve (12)-month period. The state share of the enhanced GME payment to a hospital that has cash subsidies shall come from funds certified by the hospital.

(B) *[The remaining unreimbursed aggregated approved amount for direct GME shall be calculated by subtracting the current state fiscal year Medicare and Medicaid GME payments based on the Medicare methodology on worksheet E-3 Part IV from the Medicare cost report (HCFA 2552-96), the provisions of which are incorporated by reference and made part of this rule, from the total unreimbursed aggregate approved amount from direct GME. The Medicaid GME payments will include both non-managed care and managed care payments from the hospital's base year cost report trended forward.]* The enhanced GME payment will be computed by first determining the percentage difference between the McGraw-Hill CPI index for hospital services and Medicare update factors applied to the per resident amounts from 1986 to the most recent SFY. For example, the percentage difference has been computed to be eighty-five and sixty-two-one-hundredth percent (85.62%) for SFY 2000. The

percentage difference is then multiplied by the Medicaid share of the aggregate approved amount reported on worksheet E-3 part IV of the Medicare cost report (HCFA 2552-96) for the fourth prior fiscal year and trended to the current state fiscal year. The resulting product is the enhanced GME payment.

AUTHORITY: sections 208.152, 208.153, [208.159,] 208.201 and 208.471, RSMo 1994. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 1, 2000, effective May 11, 2000, expires Nov. 6, 2000. Amended: Filed May 1, 2000.

PUBLIC COST: This proposed amendment is expected to cost state agencies or political subdivisions a total of \$438,490,944 in state fiscal year 2001 which is an additional \$94,962,519 over state fiscal year 2000. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will reduce payments that would have been paid to private entities by \$70,374,292. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, Director of Medicaid, 615 Howerton Court, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 13 – Department of Social Services

Division: 70 – Division of Medical Services

Chapter: 15 – Hospital Program

Type of Rulemaking Proposed Amendment

Rule Number and Name: 13 CSR 70-15.010 Inpatient Hospital Services
Reimbursement Plan; Outpatient Hospital Services
Reimbursement Methodology

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	\$438,490,944

III. WORKSHEET

The estimated annual impact is based on Direct Medicaid payments of \$212,997,186. The Direct Medicaid Payments will be established for Safety Net hospitals based on the determination of the Division of Medical Services, exercising its sole discretion, as to which report is most representative of costs incurred; First Tier DSH hospitals based on the 1998 cost reports; and all other hospitals will use the 1997 cost report. The FRA funded uninsured payments of \$209,796,460 are based on sixty-five percent (65%) of the three year average costs using the 1995, 1996 and 1997 cost reports for all hospitals. It includes increased Enhanced GME payments for all acute care teaching hospitals of \$15,697,298. The estimated cost reflects all planned payments for SFY 2001 in the aggregate. The total payments include the proposed changes for SFY 2001 and continuing core payments from SFY 2000.

IV. ASSUMPTIONS

The hospital's uninsured payments will be based on sixty-five percent (65%) of the three year average cost of the uninsured from the 1995, 1996 and 1997 cost reports trended to 2001. The Division will pay sixty-five percent (65%) of the uninsured cost to comply with federal limits on the State's expenditures of disproportionate share funds. The Direct Medicaid Payments will be established for Safety Net hospitals based on the determination of the Division of Medical Services, exercising its sole discretion, as to which report is most representative of costs incurred; First Tier DSH hospitals based on the 1998 cost reports; and all other hospitals will use the 1997 cost report. Enhanced GME payments will be expanded to pay all acute teaching hospitals an additional payment by adjusting the inflation indices by the percentage difference between the Medicare update factors applied to the per resident amounts from 1986 to the most recent cost report filed as of April 5 each year and the McGraw-Hill CPI (CPI) index for hospital services for the same time period.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 13 – Department of Social Services

Division: 70 – Division of Medical Services

Chapter: 15 – Hospital Program

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan;
Outpatient Hospital Services Reimbursement Methodology

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
132	Hospitals	\$70,374,292

III. WORKSHEET

The estimated annual impact is based on using a three year average of charity care and bad debts to estimate SFY 2001 costs and reducing the percent of uninsured payments made to hospitals to 65% of the uninsured costs.

IV. ASSUMPTIONS

The assumptions are that to stay within the disproportionate share limit required by federal law, we must reduce our uninsured payments to 65% of uninsured costs. This will reduce the uninsured cost paid to hospitals by \$70,374,292. This estimated cost to the private entities will be offset by new payment methodologies proposed by the public entity - Please see Public Entity Fiscal Note. Total add-on payments to hospital funded by the FRA Program will be \$438,490,944. These payments include Enhanced GME Payments, Direct Medicaid Payments, and Uninsured Payments.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.116 Special Regulations for Areas Owned by Other Entities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 633–635). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.435 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.435 by adopting provisions for hunting deer during the 2000–2001 seasons.

3 CSR 10-7.435 Deer: Seasons, Methods, Limits.

PURPOSE: This amendment establishes the firearms seasons, archery season and special managed hunts for deer in 2000–2001.

(1) General Requirements.

(A) For the purposes of this rule, deer shall mean white-tailed deer and mule deer and antlered deer shall mean a deer with at least one (1) antler not less than three inches (3") long. Deer may be pursued, taken, killed, possessed or transported only as permitted in this rule. A person may take two (2) deer of either sex on an archer's hunting permit provided that only one (1) antlered deer may be taken prior to the November portion of the firearms deer hunting season. A person holding an archer's hunting permit may obtain up to five (5) antlerless-only archery deer hunting permits to be used only in units 13, 14, 17, 22, 24, 58 and 59. A person may take one (1) antlerless deer on each antlerless-only archery deer hunting permit. In addition, a person may take one (1) antlered deer on a firearms deer hunting permit or one (1) deer of either sex on a firearms any-deer hunting permit. A person may take one (1) additional antlerless deer on a firearms first bonus deer hunting permit and one (1) additional antlerless deer on a firearms second bonus deer hunting permit. Additional deer may be taken as a participant in a managed deer hunt on a managed deer hunting permit. A person may participate in only one (1) managed deer hunt in the prescribed permit year. A person under twelve (12) years of age holding a youth deer and turkey hunting permit may, during the firearms deer hunting seasons, take one (1) antlered deer statewide or (1) antlerless deer in a deer management unit where any-deer permits are issued (as provided in 3 CSR 10-5.205). Any person killing a deer shall properly tag it immediately with a transportation tag listing the full name and address of the taker, which shall remain attached to the carcass until it has been inspected and marked at an established checking station. In addition, the taker shall validate the harvest by immediately notching the permit as required. A landowner or lessee, as defined in this Code, shall not be required to purchase a deer hunting permit to take, during the November and December portions of the firearms deer hunting season, an antlered deer, to take deer of either sex during the archery deer hunting season or to take up to five (5) additional antlerless deer during the archery season in units 13, 14, 17, 22, 24, 58 and 59, as prescribed in this rule, on any land s/he owns or, in the case of the lessee, upon which s/he resides, but s/he shall adhere to season methods and limits prescribed in this rule and shall tag the deer immediately with the full name and address of the taker and submit it for inspection as required in this rule. Landowners or corporate shareholders as defined in this rule are eligible for any-deer and bonus deer hunting permits.

(B) All deer taken shall be transported and possessed only by the taker until such deer have been submitted in person by the taker thereof for inspection and marking at an established checking station. Deer taken during the November portion of the firearms deer

hunting season, and during the January portion of the firearms deer hunting season in units 1 through 17, 20, 22 through 24, 58 and 59, shall be submitted with the transportation tag attached and the prescribed hunting permit, notched as required, for inspection and marking in the county where taken or an adjoining open country between the hours of 8:00 a.m. and 8:00 p.m. Central Standard Time (CST) on the day taken. Deer taken during the December portion of the firearms deer hunting season and the archery hunting season shall be submitted for inspection and marking within twenty-four (24) hours of take at an established checking station, except that deer taken on an antlerless-only archery deer hunting permit must be checked at an established checking station within the unit where taken. Deer may not be transported without the head attached unless inspected and marked at an established checking station. Notwithstanding any contrary provisions of other rules, deer inspected and marked with a locking seal at an established checking station may be transported, possessed and stored, and parts of properly checked deer when labeled with the full name, address and permit number of the taker, may be transported and possessed by any person. Locking seals placed on deer at established checking stations shall remain attached to the deer carcass until the processor begins the act of processing the meat for packaging. Donations of commercially processed deer meat may be made to not-for-profit charitable organizations for distribution to underprivileged persons under administrative guidelines established by the director.

(2) Firearms Deer Hunting Season.

(A) Deer may be taken as provided in this rule from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset from November 11 through November 21, 2000 and from January 6 through January 9, 2001 in units 1 through 17, 20, 22 through 24, 58 and 59, by the holder of a firearms deer hunting permit with a shotgun not smaller than 20-gauge or larger than 10-gauge; or with a muzzleloading or cap-and-ball firearm not capable of being loaded from the breech, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge; or with any pistol, revolver or rifle firing centerfire ammunition propelling an expanding-type bullet; or with a longbow or crossbow. The possession of full hard metal case projectiles, ammunition propelling more than one (1) projectile at a single discharge and self-loading firearms having a capacity of more than eleven (11) cartridges in magazine and chamber combined are prohibited while pursuing deer.

(B) Deer may be taken as provided in this rule from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset from December 2 through December 10, 2000, by the holder of a firearms deer hunting permit with a muzzleloading or cap-and-ball firearm not capable of being loaded from the breech, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge. A person, while in the act of pursuing or hunting deer on a firearms deer hunting permit may have and use more than one (1) muzzleloading or cap-and-ball firearm, but have no other firearm, longbow or crossbow on his/her person.

(C) During the November portion of the firearms deer hunting season, and during the January portion of the firearms deer hunting season in units 1 through 17, 20, 22 through 24, 58 and 59, other wildlife may be hunted only with a shotgun and shot not larger than No. 4, except that this provision does not apply to waterfowl hunters, trappers or to a landowner on his/her land or to a lessee on the land on which s/he resides; provided that the holder of an unused firearms deer hunting permit and the prescribed hunting permit may take coyotes and, after the opening of the furbearer hunting season, bobcats in the area described in 3 CSR 10-7.450 by the methods prescribed for taking deer. Furbearers, squirrels and rabbits may not be chased, pursued or taken with dogs during daylight hours of the November portion of the firearms

deer hunting season in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(D) During all portions of the firearms deer hunting season, all persons while hunting deer shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as daylight fluorescent orange, blaze orange or hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This requirement shall not apply to archery deer hunters during the December portion of the firearms season, to archery deer hunters during the January portion of the firearms season in Units 18, 19, 21, and 25-57, or to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited or on federal or state public hunting areas where deer hunting is restricted to archery methods.

(F) Hunting is permitted within deer management units as follows:

1. Unit 57: Antlered deer may be taken from November 11 through November 21 and from December 2 through December 10.

2. Units 1-56, 58 and 59: Antlered deer may be taken from November 11 through November 21 and from December 2 through December 10. Deer of either sex may be taken from November 11 through November 21 and from December 2 through December 10 by the holder of an any-deer permit in the unit specified on the permit. Additional deer, which must be antlerless, may be taken by holders of bonus permits in the unit specified on the permits.

3. Units 1-17, 20, 22-24, 58 and 59: Antlerless deer may be taken from January 6 through January 9 by holders of any-deer and/or bonus permits from any unit. An unfilled firearms deer hunting permit for antlered deer may be converted to a firearms any-deer hunting permit for use during the January portion of the firearms deer hunting season. Any firearms deer hunting permittee may purchase firearms first and second bonus deer hunting permits for use during the January portion of the firearms deer hunting season provided s/he adheres to season limits prescribed in this rule.

4. Nonresidents may take antlered deer from November 11 through November 21 and from December 2 through December 10. Nonresidents may purchase any-deer first bonus and second bonus permits according to a quota for nonresident permits established for each deer management unit. A nonresident who owns seventy-five (75) acres or more within a single deer management unit, if his/her land is within a deer management unit for which any-deer permits are issued, after purchasing the nonresident firearms deer hunting permit, may apply for and shall receive any-deer permits for use on his/her land during the firearms deer hunting season according to the acreage formula applicable to resident landowners, and may purchase a first bonus and second bonus permit where available. Nonresident landowners must purchase a nonresident firearms deer hunting permit for each landowner any-deer permit received.

5. A landowner as defined in this Code, or a corporate shareholder who is a resident of Missouri, who also meets acreage requirements specified in this paragraph, if his/her land is within a single deer management unit for which any-deer permits are issued, may apply for and shall receive any-deer permits for use on his/her land according to the following formula. The total number of landowner any-deer permits that may be issued for any qualifying acreage shall not exceed the number specified in the following formula, and no landowner may receive more than one (1) landowner any-deer permit and two (2) landowner bonus permits issued in his/her name but these permits may be used on qualifying property in more than one unit as specified on the permits. Additional permits authorized by the acreage formula may be assigned to others as provided in (1)(F)6. of this rule. No more than three (3) deer, only one (1) of which may be antlered, may be

taken by anyone during the firearms deer hunting seasons during the prescribed permit year.

A. A landowner of at least seventy-five (75) acres may apply for one (1) any-deer permit. This acreage may be eligible for two (2) bonus permits.

B. A landowner of at least one hundred fifty (150) acres may apply for two (2) any-deer permits. This acreage may be eligible for four (4) bonus permits.

C. A landowner of at least three hundred (300) acres may apply for three (3) any-deer permits. This acreage may be eligible for six (6) bonus permits.

D. A landowner of at least six hundred (600) acres may apply for four (4) any-deer permits. This acreage may be eligible for eight (8) bonus permits.

6. A resident or nonresident landowner eligible for one (1) any-deer permit may assign the permit to his/her lessee or farm operator residing on the land by written request on the application. Except as otherwise provided, a landowner whose acreage qualifies for more than one (1) any-deer permit may not be issued more than one (1) such permit in his/her name or take more than one (1) deer but may assign his/her additional any-deer permits, together with all associated bonus permits, to other members of his/her immediate household or to his/her lessee or farm operator residing on the land by written request on the application. No more than three (3) deer, only one (1) of which may be antlered, may be taken by anyone during the firearms deer hunting seasons during the prescribed permit year.

(3) Archery Deer Hunting Season.

(A) Deer may be taken as provided in section (1) exclusively by longbow from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset from October 1 through January 15, excluding the dates of the November portion of the firearms deer hunting season, by the holder of an archer's hunting permit. An archer, while in the act of pursuing or hunting deer on an archer's permit, shall not have a firearm on his/her person. Archers may take deer of either sex statewide, provided that only one (1) may be antlered prior to the November portion of the firearms deer season.

(4) Managed Deer Hunts.

(A) On the fenced portion of Caney Mountain Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 21 through October 23, 2000.

(B) On the fenced portion of Peck Ranch Conservation Area, one (1) deer of either sex may be taken with longbow from October 7 through October 8; one (1) antlered deer may be taken with muzzleloading or cap-and-ball firearms from October 21 through October 23, 2000.

(C) On Drury-Mincy Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 28 through October 30, 2000.

(D) On designated portions of Swan Lake National Wildlife Refuge, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from January 6 through January 7; and two (2) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 13 through January 14, 2001.

(E) On designated portions of Fort Leonard Wood, one (1) deer of either sex may be taken with historic weapons from December 22 through December 23, 2000.

(F) On designated portions of Mingo National Wildlife Refuge, one (1) deer of either sex may be taken with modern firearms on October 22, 2000; one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from January 6 through January 7 and from January 20 through January 21, 2001.

(G) On designated portions of August A. Busch Memorial Conservation Area, one (1) antlerless deer may be taken with long-

bow from October 14 through October 22 and one (1) deer of either sex may be taken with longbow from December 1 through December 10 and from December 26 through January 7, 2001; one (1) deer of either sex may be taken with historic weapons or modern firearms from October 28 through October 29; one (1) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from November 13 through November 15; and one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from November 18 through November 20, 2000.

(H) On Weldon Spring Conservation Area, one (1) deer of either sex may be taken with longbow from October 7 through October 22, from December 1 through December 20 and from December 26 through January 15, 2001; one (1) deer of either sex may be taken with modern firearms from October 28 through October 29, from November 13 through November 15 and from November 18 through November 20, 2000.

(I) On designated portions of James A. Reed Memorial Wildlife Area, three (3) deer, only one (1) of which may be antlered, may be taken with longbow from October 28 through November 5; and three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 6 through November 9 and from November 13 through November 17, 2000. An antlerless deer must be taken and registered prior to taking an antlered deer.

(J) On designated portions of U.S. Army Corps of Engineers project lands at Smithville Lake and Mark Twain Lake, three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 18 through November 19, 2000. On designated portions of Smithville Lake two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from January 6 through January 7, 2001. On designated portions of Truman Lake and Stockton Lake, two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 4 through November 5, 2000.

(K) On designated portions of Whetstone Creek Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 13 through November 15, 2000. An antlerless deer must be taken and registered prior to taking an antlered deer. One deer of either sex may be taken with longbow from October 1 through November 10; and one (1) antlerless deer may be taken with longbow from November 22 through January 15, 2001.

(L) On designated portions of Forest 44 Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from December 1 through January 15, 2001; and two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 13 through November 14 and from November 20 through November 21, 2000.

(M) On designated portions of Squaw Creek National Wildlife Refuge, two (2) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 6 through January 7, 2001.

(N) On designated portions of Burr Oak Woods Conservation Area, three (3) deer, only one (1) of which may be antlered, may be taken with longbow from November 11 through November 14 and from November 15 through November 19, 2000. An antlerless deer must be taken and registered prior to taking an antlered deer.

(O) On designated portions of Shaw Arboretum, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 2 through December 3, 2000.

(P) On designated portions of Thousand Hills State Park, three (3) antlerless deer may be taken with modern firearms from December 9 through December 10, 2000 and from January 6 through January 7, 2001; on designated portions of Crowder State Park, three (3) antlerless deer may be taken with modern firearms from December 16 through December 17, 2000; on designated portions of Babler State Park, three (3) antlerless deer may be

taken with modern firearms from December 1 through December 4, 2000; on designated portions of Cuivre River State Park, three (3) antlerless deer may be taken with modern firearms from December 9 through December 10, 2000; on designated portions of Watkins Mill State Park, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 16 through December 17 and from January 13 through January 14, 2001; on designated portions of Big Oak Tree State Park, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 13 through January 14, 2001.

(Q) On designated portions of Columbia Bottom Conservation Area, one (1) deer of either sex may be taken with longbow from October 7 through November 5 and from December 1, 2000 through January 15, 2001.

(R) On designated portions of Jackson County's Fleming Park and adjacent property owned by the Church of Jesus Christ of Latter Day Saints, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 4 through December 6 and from December 20 through December 22, 2000. An antlerless deer must be taken and registered prior to taking an antlered deer.

(S) On designated portions of Rockwoods Range, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from November 1 through November 30 and from December 1 through December 30, 2000.

(T) On designated portions of Charles W. Green Conservation Area, one deer of either sex may be taken with historic weapons or modern firearms from November 4 through November 5, 2000.

(U) On designated portions of Pelican Island Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 15 through December 17, 2000.

(V) On designated portions of Prairie Fork Creek Conservation Area, two (2) antlerless deer may be taken with modern firearms from November 13 through November 15, 2000.

(W) On designated portions of St. Stanislaus Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 7 through November 5 and from December 1 through January 15, 2001.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed amendment under section 536.021, RSMo.

This amendment filed April 24, 2000, effective **June 1, 2000**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-8.515 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The department amended 3 CSR 10-8.515 by adopting provisions for otter harvest through zoning, bag limits and extended seasons.

3 CSR 10-8.515 Furbearers: Trapping Seasons

PURPOSE: To reduce decimation of fish populations caused by otters in areas of high otter density and maintain populations in lower populated areas.

(1) Raccoon, opossum, striped skunk, badger, red fox, gray fox, bobcat, and mink may be taken in any numbers by trapping from November 20 through January 20; provided that bobcat may be taken only in that part of the state west and south of a line running west from the Illinois border on Interstate Hwy. 70 to U.S. Hwy. 63; north on U.S. Hwy. 63 to U.S. Hwy. 36; west on U.S. Hwy. 36 to U.S. Hwy. 65; north on U.S. Hwy. 65 to the Iowa border. Beaver may be taken in any number by trapping from November 20 through March 31.

(2) Otters and muskrats may be taken by trapping during specified seasons and in specified limits described below:

(A) A season limit of five (5) otters, and muskrats in any numbers may be taken from November 20 through January 20 in Otter Management Zones A, C, and D, described as:

1. Otter Management Zone A—That portion of northwest Missouri from the Iowa border and west of a line running south on Worth County Hwy. F to Mo. Hwy. 46; south on Mo. Hwy. 46 to U.S. Hwy. 136; south on U.S. Hwy. 136 to U.S. Hwy. 169; south on U.S. Hwy. 169 to Mo. Hwy. 31; south on Mo. Hwy. 31 to U.S. Hwy. 36; east on U. S. Hwy. 36 to U. S. Hwy. 69; south on U.S. Hwy. 69 to Mo. Hwy. 10; east on Mo. Hwy. 10 to Mo. Hwy. 13; south on Mo. Hwy. 13 to Interstate Hwy. 70; west on Interstate Hwy. 70 to Mo. Hwy. 131; south on Mo. Hwy. 131 to Mo. Hwy. 2; west on Mo. Hwy. 2 to the Kansas line.

2. Otter Management Zone C—That portion of eastern Missouri east and south of a line running west from the Illinois border on Interstate Hwy. 270 to Interstate Hwy. 44; west on Interstate Hwy. 44 to Mo. Hwy. 68; south on Mo. Hwy. 68 to Mo. Hwy. 32; and north of a line comprised of Mo. Hwy. 32 east to St. Francois County Hwy. OO; south on St. Francois County Hwy. OO to St. Francois County Hwy. T; east on St. Francois County Hwy. T to Mo. Hwy. 51; and west of Mo. Hwy. 51 to the Illinois line.

3. Otter Management Zone D—That portion of southwest Missouri west and south of a line running north from the Arkansas border on Mo. Hwy. 5 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Webster County Hwy. A; north on Webster County Hwy. A to Mo. Hwy. 38; west on Mo. Hwy. 38 to Interstate Hwy. 44; west on Interstate Hwy. 44 to Mo. Hwy. 39; north on Mo. Hwy. 39 to U.S. Hwy. 160; west on U.S. Hwy. 160 to the Kansas line.

(B) Otters and muskrat may be taken in any numbers from November 20 through February 20 in Otter Management Zone E, described as:

1. Otter Management Zone E—That portion of south Missouri east and north of a line running north from the Arkansas border on Mo. Hwy. 5 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Webster County Hwy. A; north on Webster County Hwy. A to Mo. Hwy. 38; west on Mo. Hwy. 38 to Interstate Hwy. 44; west on Interstate Hwy. 44 to U.S. Hwy. 65; east of a line running north on U.S. Hwy. 65 to Interstate Hwy. 70; south of a line running east on Interstate Hwy. 70 to the north bank of the Missouri River; east on the Missouri River to U.S. Hwy 63; south on U.S. Hwy. 63 to Mo. Hwy. 68; south on Mo. Hwy. 68 to Mo. Hwy. 32; and south of a line comprised of Mo. Hwy. 32 to U. S. Hwy. 67; south on U.S. Hwy. 67 to Mo. Hwy. 32; east on Mo. Hwy. 32 to St. Francois County Hwy. OO; south on St. Francois County Hwy. OO to St. Francois County Hwy. T; east on St. Francois County Hwy. T to Mo. Hwy. 51; and south and east of Mo. Hwy. 51 to the Illinois line.

(C) A season limit of twenty (20) otters and muskrats in any numbers may be taken from November 20 through January 20 in Otter Management Zone B, described as:

1. Otter Management Zone B—The remainder of the state not in Otter Management Zone A, C, D, or E, as described above.

(3) Except in Otter Management Zone E, killer or Conibear-type traps with a jaw spread less than eight inches (8") and leghold traps smaller than number three (3) are prohibited in water sets after January 20. In Otter Management Zone E, killer or Conibear-type traps with a jaw spread less than eight inches (8") and leghold traps smaller than number three (3) are prohibited for trapping beavers after February 20. Coyotes may be taken in any numbers by trapping from November 20 through February 20. Traps may not be placed or set before November 20 and must be removed by midnight of the last day of the trapping season.

(4) Pelts of furbearers may be possessed, transported and sold only by the taker from November 20 through February 4, except that pelts of coyotes and pelts of muskrats taken in Otter Management Zone E may be possessed, transported, consigned for processing and sold by the taker from November 20 through March 1, pelts of beaver may be possessed, transported, consigned for processing and sold by the taker from November 20 through April 10, and tagged bobcats and otters or their pelts may be possessed throughout the year. Bobcats or their pelts shall be delivered by the taker to an agent of the department in any open county for registration or tagging; otters shall be delivered by the taker to an agent of the department only in the Otter Management Zone of harvest for registration or tagging. Bobcats and otters shall be registered or tagged before selling, transferring, tanning or mounting not later than February 4, except for otters taken in Otter Management Zone E, not later than March 4. It shall be illegal to purchase or sell untagged bobcats and otters or their pelts. Other pelts may be delivered or shipped and consigned by the taker to a licensed taxidermist or tanner before the close of the possession season for pelts. These pelts must be recorded by the taxidermist or tanner and shall not enter the raw fur market. After tanning, pelts may be possessed, bought or sold without permit. Skinned carcasses of legally taken furbearers may be sold by the taker throughout the year. (Certain Department of Health rules also govern how furbearer carcasses might be utilized.)

(5) Rabbits may be taken by trap from November 20 to January 20 within prescribed hunting limits, but carcasses may not be sold.

(6) Restrictions on possession shall not apply to tanned pelts, mounted specimens or manufactured products.

(7) Red fox, gray fox and coyotes may be taken alive during established seasons by prescribed methods and held in captivity. They may not be exported and may only be sold or given to holders of a valid Hound Running Area Operator's Permit. Red fox and gray fox may not be possessed after February 4; coyotes may not be possessed after February 25. These animals may be held for no longer than twenty-four (24) hours after capture, except when confined in facilities and cared for as specified in 3 CSR 10-9.220. Complete and current records of all transactions must be maintained showing the county of origin, the species, date captured, date of transfer and name and permit number of hound running area operator receiving each individual animal. These records shall be kept on forms provided by the department and submitted to the department by March 15. Records shall be made available for inspection by an authorized agent of the department at any reasonable time.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed amendment under section 536.021, RSMo.

This amendment filed April 24, 2000, effective **November 1, 2000**.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 per year or \$2,500 in the five-year aggregate.

Title 3 - DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 8 - Wildlife Code: Trapping: Seasons, Methods

FISCAL NOTE
PRIVATE ENTITY COSTS

Proposed Amendment: **3 CSR 10-8.515 Furbearers: Trapping Seasons**
Prepared: April 24, 2000 by Department of Conservation
Affected Private Entities: Individual trappers

This rule to establish zones and bag limits for otter trapping is expected to cost a small number of individual trappers as much as \$500 because of the reduced bag limits in some zones. However, part of the intent of this rule is to encourage trappers to trap otters in other zones (with no bag limits) where the otter population density is high to reduce damage to local fish populations. It is unclear what the final cost may be to the individual trapper, but it is probable that if they are enticed to trap in these high otter density areas, trappers could actually take more otters, not fewer, and suffer no cost hardship at all. Based on data from the last three complete seasons, it is expected that the total cost would not exceed \$500 for all individual trappers combined.

<u>CLASSIFICATION</u>	<u>ANNUAL COST¹</u>	<u>FIVE-YEAR AGGREGATE COST²</u>
Trappers	\$500	\$2,500

¹ Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

² Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.120, 339.710, 339.780 and 339.820, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 250-8.020 Broker Supervision and Improper Use of License and Office is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2000 (25 MoReg 360). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.100, RSMo 1994 and 339.120, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 250-8.070 Advertising is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2000 (25 MoReg 360-361). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.120, 339.730, 339.740, 339.750, 339.755, 339.780 and 339.820, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 250-8.090 Brokerage Service Agreements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2000 (25 MoReg 361-363). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 1999, the board rescinds a rule as follows:

4 CSR 250-8.095 Agency Disclosure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2000 (25 MoReg 363). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.120, 339.720 and 339.770, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 250-8.095 Brokerage Relationship Disclosure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 363-365). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.120, 339.720 and 339.780, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 250-8.096 Brokerage Relationship Confirmation is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 365). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.120, 339.720 and 339.770, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 250-8.097 Broker Disclosure Form is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2000 (25 MoReg 365-366). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120 and 339.770, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 250-8.160 Retention of Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2000 (25 MoReg 366). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.120, 339.720, 339.780 and 339.820, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 250-8.210 Management Agreements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2000 (25 MoReg 366). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-5.380 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 3, 2000 (25 MoReg 14-17). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources (MDNR) received comments from the U.S. Environmental Protection Agency (EPA).

COMMENT: The EPA commented that in subsection (2)(C), the language is vague as to when the residents of Franklin County may opt in to the biennial emissions inspection program.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees and has added the date July 1, 2000, to subsection (2)(C).

COMMENT: The EPA commented that in paragraph (7)(C)9. House Bill 603 allows a used vehicle sold without an emission inspection to be returned to the dealer within 14 days if emission inspected and the vehicle fails, not 10 days as stated in the rule.

RESPONSE: The MDNR understands the confusion. The proposed amendment if adopted will not be effective until late July 2000. Senate Bill 19 which changes the 14 days to 10 days will be effective July 1, 2000, so the language will be appropriate. No change was made as result of this comment.

COMMENT: The EPA commented that in paragraph (7)(C)11., the language should reflect how the automobile dealers and used car dealers would actually accomplish the emissions inspection during the transition period. It should also identify the types of tests that will be used to test vehicles of different model years.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees and has changed the paragraph to reflect the actual emission test and the cutpoints.

10 CSR 10-5.380 Motor Vehicle Emissions Inspection

(2) Applicability.

(C) Starting July 1, 2000, owners of motor vehicles registered in Franklin County who choose to have their vehicles biennial emission inspected shall have their vehicles inspected at emission stations in City of St. Louis or the counties of St. Louis, St. Charles, or Jefferson pursuant to this rule.

(7) Documentation.

(C) Transitional Period. The transitional period shall begin January 1, 2000, and end when the centralized test-only emission inspection stations begin emissions inspections.

1. Owners of subject vehicles shall receive either a clean screen notice as provided in subsection (3)(I) of this rule or an emission extension certificate and emission extension sticker, which will allow subject vehicle owners to register their vehicle in a timely manner. An emission extension certificate is the document that allows subject vehicle owners to register their vehicles with a deferred emissions inspection. An emission extension sticker is the

sticker that temporarily replaces the emission sticker for up to six (6) months.

2. The owner of a vehicle that has not received a clean screen notice and who cannot obtain an emission inspection during the transitional period may submit an emission extension certificate, in lieu of an emission inspection certificate, to the Missouri Department of Revenue in order to register the vehicle only during the transitional period. Owners of such vehicles who do not receive an emission extension certificate by mail may obtain one from the Department of Revenue at the time the vehicle is registered during the transitional period.

3. The emission extension certificate shall contain the certificate's expiration date.

4. The emission extension sticker shall be affixed on the inside of the vehicle's front windshield in the lower left hand corner. Previous emission inspection stickers affixed to the windshield shall be removed. Stickers are valid for six (6) calendar months.

5. The owner shall have their subject vehicle emission inspected prior to the emission extension sticker expiring.

6. The emission inspection sticker that replaces the emission extension sticker shall be valid until the subject vehicle's next required emission inspection.

7. No emission inspection fee is required for the emission extension certificate and emission extension sticker.

8. The automobile dealer may sell the vehicle with prior inspection and approval. The automobile dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355, RSMo or by obtaining a waiver pursuant to section 643.335, RSMo. A vehicle sold pursuant to this subsection by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty (120) days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

9. The automobile dealer may sell the vehicle without prior inspection and approval. The automobile dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle that fails an emission inspection within ten (10) days, provided that the vehicle has no more than one thousand (1,000) additional miles since the time of sale. The automobile dealer shall inform the purchaser about emission inspecting the vehicle.

10. The automobile dealer shall either repair the returned vehicle and provide an emissions certificate and sticker within five (5) working days or enter into any mutually acceptable agreement with the purchaser.

11. The emission inspection for automobile dealers and used vehicle purchasers shall be the idle test. The emission standards for all subject vehicles:

Model Year	CO (%)	HC (PPM)
1971-1974	7.0	700
1975-1979	6.0	600
1980	3.0	300
1981 and later	1.2	220

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-5.490 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 1999 (24 MoReg 2680-2686). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources (MDNR) received comments from three entities, which include the U.S. Environmental Protection Agency (EPA), Burns and McDonnell and the National Solid Wastes Management Association (NSWMA). One entity supported the amendments and the other two supported the amendments with changes.

COMMENT: The EPA supports the revisions as necessary to be consistent with revisions made to the related federal rule. The proposed rule revisions accurately and completely reflect the revisions necessary to be consistent with the federal requirements. Therefore, we have no adverse or critical comments.

RESPONSE: No changes were made to the text as a result of this comment.

COMMENT: The NSWMA made comments on two sections of the rule: section (1) Applicability and section (3) General Provisions. The comment on section (1) raises the concern that landfills not located in the St. Louis noncompliance area will not have to get an operating permit. The comment on section (3) is that the requirements are more stringent than federal requirements. This is because landfills having design capacities equal to or greater than 1.0 million megagrams or 1.0 million cubic meters are being required to comply with the emission guidelines intended for landfills having design capacities equal to or greater than 2.5 million megagrams or cubic meters. The NSWMA recommends that the Commission not implement these rules until it has thoroughly reviewed the federal requirements and ensured that any adopted rules in Missouri are consistent with the federal requirements.

RESPONSE: Regarding the comment on applicability the MDNR feels that rule 10 CSR 10-5.490 and its companion rule 10 CSR 10-6.310 make it clear that any Missouri landfill above 2.5 million megagrams and cubic meters is required to obtain a Title V operating permit. On the second comment the MDNR is aware that the requirements for landfills in the general provisions section are more stringent than federal requirements in that smaller design capacity landfills may be required to install gas collection and control systems. In nonattainment areas, such as St. Louis, the Commission has the power to promulgate regulations more stringent than federal requirements to bring the area into attainment. The landfill rule and the controls it requires have a positive effect on reducing volatile organic compound (VOC) emissions coming from landfills. For that reason the applicability section requires smaller landfills than required in federal emission guidelines to control emissions. No changes were made to the rule text as a result of this comment.

COMMENT: Burns and McDonnell commented that subparagraph (3)(B)2.C. has been revised in the first sentence by deleting the word a and adding the phrase one of the following. The problem with the revised wording is that landfills utilizing energy recovery do not route all the collected gas to one of the following control systems. Such landfill will flare excess gas and burn the other gas in an energy recovery device like a boiler or internal combustion engine. We suggest that you add the phrase one or more of the following to the first sentence of subparagraph (3)(B)2.C.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR consulted with the EPA regarding changing the text of the language in response to this comment and still maintaining compliance with federal emission guidelines. Both the MDNR and the EPA agree that such a change would not be considered less stringent than federal emission guidelines or change the intent. A change was made to the rule text as a result of this comment.

COMMENT: Burns and McDonnell commented that open flare is not defined in this regulation. Subparagraph (3)(B)2.C. does not appear to be equitable because only one of the three alternate control systems is required to have an initial performance test conducted. The MDNR has added the requirement that a control system designed and operated to reduce non-methane organic compounds (NMOC) must conduct an initial performance test with 180 days after the initial startup. However, there is no testing required for open flares or systems that route the gas for sale or use. Generally control systems designed and operated to reduce NMOCs will have been tested by the manufacturer that will guarantee the destruction efficiency when burning landfill gas at a specified temperature. These devices should not be required to conduct an initial performance test. The MDNR is issuing a rule with a disincentive to purchase higher priced control systems designed and known by testing to meet the desired efficiency. Does the MDNR want landfill operators to purchase equipment that cannot be tested such as an open flare? We recommend that the last sentence of part (3)(B)2.C.(II) be deleted in order to provide an incentive for the landfill operator to purchase equipment designed to control NMOCs.

RESPONSE AND EXPLANATION OF CHANGE: There should be a reference to federal regulation 40 CFR part 60.18 concerning flare design and operation in part (3)(B)2.C.(I). This reference was most likely not included in the original rule since it wasn't part of the draft federal emission guidelines. The final version of the emission guidelines does contain the reference. Rule 10 CSR 10-6.310, which was promulgated after the guidelines were finalized, does contain the reference. Flare is a defined term in this rule and matches the definition found in the federal emission guidelines. Open flare is not defined in the emission guidelines. A change was made to the rule text as a result of this comment.

COMMENT: Burns and McDonnell commented that the addition of the last sentence to Section (4)(A) that allows use of an alternate value for k in low precipitation areas should not be included in this regulation. There is no area of the state of Missouri that has an annual rainfall less than 25 inches. Adding a sentence to a regulation in Missouri that has no use is a waste of time and paper and causes confusion for the regulated community. It is true that different values for k should be allowed when calculating total NMOC emission rates, but the proposed sentence being added to Section (4)(A) is of no use.

RESPONSE: To maintain consistency with federal emission guidelines it is necessary to retain this language regarding an alternate value for k. No changes were made to the rule text as a result of this comment.

10 CSR 10-5.490 Municipal Solid Waste Landfills

PUBLISHER'S NOTE: *The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4 RSMo. Such material will be provided at the cost established by state law.*

(3) General Provisions.

(B) Each owner or operator of an MSW landfill having a design capacity equal to or greater than one (1.0) million megagrams or one (1.0) million cubic meters shall submit within ninety (90) days of the rule effective date an initial design capacity report and an NMOC emission rate report, as described in sections (4) and (7) of this rule, to the director. The NMOC emission rate shall be recalculated annually except as provided for in subsection (7)(C) of this rule.

1. If the calculated NMOC emission rate is less than twenty-five (25) megagrams (twenty-seven and one-half (27.5) tons) per year, the owner or operator shall—

A. Submit an annual emission rate report to the director; and

B. Recalculate the NMOC emission rate annually until such time as the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams, or the landfill closes.

(I) If the NMOC emission rate, upon recalculation, is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall install a collection and control system in compliance with paragraph (3)(B)2. of this rule.

(II) If the landfill is permanently closed, a closure notification shall be submitted to the director.

2. If the calculated NMOC emission rate is equal to or greater than twenty-five (25) megagrams per year, the owner or operator shall—

A. Submit a collection and control system design plan prepared by a professional engineer to the director within one (1) year of the NMOC emission rate report. Permit modification approval from the Missouri Department of Natural Resources' Solid Waste Management Program shall be required prior to construction of any gas collection system.

(I) The collection and control system shall meet the design requirements of subparagraph (3)(B)2.B. of this rule.

(II) The collection and control system design plan shall include any alternatives to the operation standards, test methods, procedures, compliance measures, monitoring, record keeping or reporting provisions of sections (4) through (7) of this rule proposed by the owner or operator.

(III) The collection and control system design plan shall either conform with specifications for active collection systems or include a demonstration to the director's satisfaction of the sufficiency of the alternate system.

(IV) The director will review the collection and control system design plan and either approve it, disapprove it, or request that additional information be submitted;

B. Install a collection and control system that captures the gas generated within the landfill as required by part (3)(B)2.B.(I) or (II) and subparagraph (3)(B)2.C. of this rule within thirty (30) months after the first annual report in which the emission rate equals or exceeds twenty-five (25) megagrams per year, unless Tier 2 or Tier 3 sampling under subsection (4)(C) or (4)(D) of this rule demonstrates that the emission rate is less than twenty-five (25) megagrams per year, as specified in paragraph (7)(D)1. or 2. of this rule.

(I) An active collection system shall—

(a) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control;

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five (5) years or more, if active, or two (2) years or more, if closed or at final grade;

(c) Collect gas at a sufficient extraction rate; and

(d) Be designed to minimize off-site migration of subsurface gas.

(II) A passive collection system shall—

(a) Comply with the provisions of subparts (3)(B)2.B.(I)(a), (b), and (d) of this rule; and

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected;

(III) Each owner or operator of an MSW landfill gas collection and control system shall—

(a) Operate the collection system with negative pressure at each wellhead except under the following conditions:

I. A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in subsection (7)(H) of this rule;

II. Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan; and

III. A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the director;

(b) Operate each interior wellhead in the collection system with a landfill gas temperature less than fifty-five degrees Celsius (55°C) and with either a nitrogen level less than twenty percent (20%) or an oxygen level less than five percent (5%). The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

I. The nitrogen level shall be determined using Method 3C of Appendix A, 40 CFR part 60, unless an alternative test method is established as allowed by part (3)(B)2.A.(II) of this rule.

II. Unless an alternative test method is established as allowed by part (3)(B)2.A.(II) of this rule, the oxygen shall be determined by an oxygen meter using Method 3A of Appendix A, 40 CFR part 60, except that—

a. The span shall be set so that the regulatory limit is between twenty and fifty percent (20 and 50%) of the span;
b. A data recorder is not required;
c. Only two (2) calibration gases are required, a zero and span, and ambient air may be used as the span;
d. A calibration error check is not required; and
e. The allowable sample bias, zero drift, and calibration drift are plus or minus ten percent ($\pm 10\%$);

(c) Operate the collection system so that the methane concentration is less than five hundred (500) parts per million above background concentration at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area along a pattern that traverses the landfill at thirty (30) meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the thirty (30)-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing;

(d) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with subparagraph (3)(B)2.C. of this rule. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one (1) hour;

(e) Operate the control or treatment system at all times when the collected gas is routed to the system; and

(f) If monitoring demonstrates that the operational requirement in subpart (3)(B)2.B.(III)(a), (b), or (c) of this rule are not met, corrective action shall be taken as specified in subsection (5)(B) of this rule. If corrective actions are taken as specified in subsection (5)(B) of this rule, the monitored exceedance is not a violation of the operational requirements in this section;

C. Route all the collected gas to one or more of the following control systems:

(I) An open flare designed and operated in accordance with 40 CFR part 60.18 (incorporated by reference);

(II) A control system designed and operated to reduce NMOC by ninety-eight (98) weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by ninety-eight (98) weight-percent, or reduce the outlet NMOC concentration to less than twenty (20) parts per million by volume, dry basis as hexane at three percent (3%) oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test, to be completed no later than one hundred eighty (180) days after the initial startup of the approved control system; or

(III) A system that routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use; and

D. The collection and control system may be capped or removed provided the following conditions are met:

(I) The landfill shall be no longer accepting solid waste and be permanently closed. A closure report shall be submitted to the director;

(II) The collection and control system has been in operation a minimum of fifteen (15) years; and

(III) The calculated NMOC gas produced by the landfill is less than twenty-five (25) megagrams per year on three (3) successive test dates. The test dates shall be no less than ninety (90) days apart and no more than one hundred eighty (180) days apart; and

E. The planning, awarding of contracts, and installation of MSW landfill air emission collection and control equipment capable of meeting the emission standards in subsection (3)(B) of this rule shall be accomplished within thirty (30) months after the date the initial NMOC emission rate report shows NMOC emissions equal or exceed twenty-five (25) megagrams per year.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule follows:

10 CSR 10-6.310 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 1999 (24 MoReg 2686–2695). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources (MDNR) received comments from three entities,

which include the U.S. Environmental Protection Agency (EPA), the National Solid Wastes Management Association (NSWMA) and Burns and McDonnell. Two entities supported the amendments and the other one supported the amendments with changes.

COMMENT: The EPA supports the revisions as necessary to be consistent with revisions made to the related federal rule. The proposed rule revisions accurately and completely reflect the revisions necessary to be consistent with the federal requirements. Therefore, we have no adverse or critical comments.

RESPONSE: No changes were made to the text as a result of this comment.

COMMENT: The NSWMA made reference to rule 10 CSR 10-6.310 in a comment letter on rule 10 CSR 10-5.490. However, no specific examples of changes needed to rule 10 CSR 10-6.310 were made in the comment letter.

RESPONSE: No changes were made to the text as a result of this comment.

COMMENT: Burns and McDonnell commented that subparagraph (3)(B)2.C. has been revised in the first sentence by deleting the word a and adding the phrase one of the following. The problem with the revised wording is that landfills utilizing energy recovery do not route all the collected gas to one of the following control systems. Such landfill will flare excess gas and burn the other gas in an energy recovery device like a boiler or internal combustion engine. We suggest that you add one or more of the following to the first sentence of subparagraph (3)(B)2.C.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR consulted with the EPA regarding changing the text of the language in response to this comment and still maintaining compliance with federal emission guidelines. Both the MDNR and the EPA agree that such a change would not be considered less stringent than federal emission guidelines or change the intent. A change was made to the rule text as a result of this comment.

10 CSR 10-6.310 Restriction of Emissions From Municipal Solid Waste Landfills

(3) Standards for Air Emissions from Municipal Solid Waste Landfills.

(B) Each owner or operator of an MSW landfill having a design capacity equal to or greater than two and one-half (2.5) million megagrams and two and one-half (2.5) million cubic meters, shall either comply with paragraph (3)(B)2. of this rule or calculate an NMOC emission rate for the landfill using the procedures specified in section (5) of this rule. The NMOC emission rate shall be recalculated annually, except as provided in subparagraph (8)(B)1.B. of this rule. The owner or operator of an MSW landfill subject to this rule with a design capacity greater than or equal to two and one-half (2.5) million megagrams and two and one-half (2.5) million cubic meters is subject to part 70 permitting requirements. When a landfill is closed, and either never needed control or meets the conditions for control system removal specified in subparagraph (3)(B)2.E. of this rule, a part 70 operating permit is no longer required.

1. If the calculated NMOC emission rate is less than fifty (50) megagrams per year, the owner or operator shall—

A. Submit an annual emission report to the director, except as provided for in subparagraph (8)(B)1.B. of this rule; and

B. Recalculate the NMOC emission rate annually using the procedures specified in paragraph (5)(A)1. of this rule until such time as the calculated NMOC emission rate is equal to or greater than fifty (50) megagrams per year, or the landfill is closed.

(I) If the NMOC emission rate, upon recalculation required in subparagraph (3)(B)1.B. of this rule is equal to or greater than fifty (50) megagrams per year, the owner or operator

shall install a collection and control system in compliance with paragraph (3)(B)2. of this rule.

(II) If the landfill is permanently closed, a closure notification shall be submitted to the director as provided for in subsection (8)(D) of this rule.

2. If the calculated NMOC emission rate is equal to or greater than fifty (50) megagrams per year, the owner or operator shall—

A. Submit a collection and control system design plan prepared by a professional engineer to the director within one (1) year. Permit modification approval from the Missouri Department of Natural Resources' Solid Waste Management Program shall be required prior to construction of any gas collection system.

(I) The collection and control system as described in the plan shall meet the design requirements of subparagraph (3)(B)2.B. of this rule.

(II) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, record keeping or reporting provisions of sections (4) through (9) of this rule proposed by the owner or operator.

(III) The collection and control system design plan shall either conform with specifications for active collection systems in section (10) of this rule or include a demonstration to the director's satisfaction, such that human health and safety is protected, of the sufficiency of the alternative provisions to section (10) of this rule.

(IV) The director shall review the information submitted under parts (3)(B)2.A.(I), (II) and (III) of this rule and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems;

B. Install a collection and control system that captures the gas generated within the landfill as required by part (3)(B)2.B.(I) or (II) and subparagraph (3)(B)2.C. of this rule within thirty (30) months after the first annual report in which the emission rate equals or exceeds fifty (50) megagrams per year, unless Tier 2 or Tier 3 sampling under section (5) of this rule demonstrates that the emission rate is less than fifty (50) megagrams per year, as specified in paragraph (8)(C)1. or 2. of this rule.

(I) An active collection system shall—

(a) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;

(b) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of—

I. Five (5) years or more if active; or
II. Two (2) years or more if closed or at final grade;

(c) Collect gas at a sufficient extraction rate; and

(d) Be designed to minimize off-site migration of subsurface gas.

(II) A passive collection system shall—

(a) Comply with the provisions specified in subparts (3)(B)2.B.(I)(a), (b) and (d) of this rule; and

(b) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 CFR part 258.40 (incorporated by reference);

C. Route all the collected gas to one or more of the following control systems:

(I) An open flare designed and operated in accordance with 40 CFR part 60.18 (incorporated by reference);

(II) A control system designed and operated to reduce NMOC by ninety-eight (98) weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by ninety-eight (98) weight-percent or reduce the outlet NMOC concentration to less than twenty parts per million by volume (20 ppmv), dry basis as hexane at three percent (3%) oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test, to be completed no later than one hundred eighty (180) days after the initial startup of the approved control system using the test methods specified in subsection (5)(D) of this rule.

(a) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(b) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in section (7) of this rule; or

(III) A system that routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of part (3)(B)2.C.(I) or (II) of this rule;

D. Operate the collection and control device installed to comply with this rule in accordance with the provisions of sections (4), (6) and (7) of this rule;

E. The collection and control system may be capped or removed provided that all the conditions of parts (3)(B)2.E.(I), (II) and (III) of this rule are met—

(I) The landfill shall be no longer accepting solid waste and be permanently closed under the requirements of 40 CFR part 258.60 (incorporated by reference). A closure report shall be submitted to the director as provided in subsection (8)(D) of this rule;

(II) The collection and control system shall have been in operation a minimum of fifteen (15) years; and

(III) Following the procedures specified in subsection (5)(B) of this rule, the calculated NMOC gas produced by the landfill shall be less than fifty (50) megagrams per year on three (3) successive test dates. The test dates shall be no less than ninety (90) days apart, and no more than one hundred eighty (180) days apart; and

F. The planning, awarding of contracts, and installation of MSW landfill air emission collection and control equipment capable of meeting the emission standards in subsection (3)(B) of this rule shall be accomplished within thirty (30) months after the date the initial NMOC emission rate report shows NMOC emissions equal or exceed fifty (50) megagrams per year.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 10—Licensee's Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.052, 313.800 and 313.805, RSMo 1994, the commission adopts a rule as follows:

11 CSR 45-10.035 Licensee's Duty to Contact Commission Agent is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2000 (25 MoReg 278). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.052, 313.560, 313.800 and 313.805, RSMo 1994, the commission adopts a rule as follows:

11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2000 (25 MoReg 278–281). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 303.290, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-25.090 Fees Assessed for Failure to Surrender Drivers License or Registration Plates After Suspension is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2000 (25 MoReg 392). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-103.200 Isolated or Occasional Sale is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2000 (25 MoReg 292–293). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-103.610 Sales of Advertising is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2000 (25 MoReg 293–294). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 4—Agricultural Land Productive Values

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 137.021, RSMo 1994, the commission amends a rule as follows:

12 CSR 30-4.010 Agricultural Land Productive Values is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2000 (25 MoReg 296–297). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Commission received no comments during the comment period.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

In accordance with §197.330.1 (2), RSMo and 19 CSR 60-50.420 (3) of the Missouri Rules, the Missouri Health Facilities Review Committee is herein publishing "written notification to affected persons" of Certificate of Need applications which are beginning review at this time.

Certificate of Need Application Review Schedule

**Tentative Meeting Date: June 5, 2000, 9:00 a.m.
Senate Hearing Rooms 2/3, State Capitol, Jefferson City**

Application Project Number & Name/Cost & Description/City & County

1. **#2922 RP:** Combs Residential Care Facility
\$361,385, LTC bed expansion of 14 RCF I beds
Cuba (Crawford County)
2. **#2973 RS:** Country Meadows Nursing Home
\$1,000,000, Replace 11 RCF I beds
Park Hills (St. Francois County)
3. **#2963 NP:** Ash Grove Health Care Facility
\$1,141,600, LTC beds expansion of 16 SNF beds
Ash Grove (Greene County)
4. **#2976 RS:** Deutsch Family Investments
\$3,000,000, Replace 19 RCF beds
St. Louis (St. Louis County)
5. **#2975 RS:** Troy Manor, L.L.C.
\$1,100,000, Replace 19-bed RCF
Troy (Lincoln County)

The abbreviated applications listed above are in addition to the four CON applications for which the review schedule has already been published.

(Note: "RCF" means residential care facility, "ICF" means intermediate care facility, and "SNF" means skilled nursing facility as defined in Chapter 198, RSMo.)

The Missouri Health Facilities Review Committee has initiated review of the applications listed above. These applications are available for public inspection at the address shown below.

*Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect which is received in the office listed below by May 25, 2000. All written requests and comments should be sent to:
Chairman, Missouri Health Facilities Review Committee
c/o Certificate of Need Program, 915G Leslie Blvd., Jefferson City, MO 65101*

For additional information contact Donna Schuessler, 573-751-6403
Notification of Review Publication Date: April 26, 2000

Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A & J CONSTRUCTION CO	RT 1 BOX 45	FLORIS	IA	52560
A FISCHER BUILDERS INC	1505 LIND ST	QUINCY	IL	62301
ABELL PEST CONTROL INC	4921 FERNLEE AVE	ROYAL OAK	MI	48073
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACE/AVANT CONCRETE CONSTRUCTION CO INC	109 SEMINOLE DR	ARCHDALE	NC	27263
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADAMS DOOR CO INC	6550 NE 14TH ST	DES MOINES	IA	50313
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADUDDELL ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED ELECTRICAL SYSTEMS INC	33867 W 287TH ST	PAOLA	KS	66071
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AGRA FOUNDATIONS INC	10108 32ND AVE W C-3 #A2	EVERETT	WA	98204
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
ALL IOWA CONTRACTING CO	5613 MCKEVETTE RD	WATERLOO	IA	50701
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
ALPINE STEEL INC	2101 W JACKSON	PHOENIX	AZ	85005
AMAN ENVIRONMENTAL CONSTRUCTION INC	100 CALIFORNIA ST TX DEPT	SAN FRANCISCO	CA	94111
AMERICAN IRONWORKS INC	100 S MAIN	CUTLER	IL	62238
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERWEST DEVELOPMENT CO	1860 OLD OKEEHOBE RD #508	W PALM BEACH	FL	33409
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANDREW L YOUNGQUIST CONSTRUCTION IN	275 EAST BAKER ST STE A	COSTA MESA	CA	92626
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
API INC	2366 ROSE PL	ST PAUL	MN	55113
APPLICATION CONTRACTORS SERVICES IN	14409 W EDISON DR #13A	NEW LENOX	IL	60451
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	3234
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
AUGERS UNLIMITED INC	14910 METROPOLITAN AVE	BONNER SPRINGS	KS	66012
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713

Contractor	Address	City
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH
BAZIN EXCAVATING INC	15233 BROADMOOR	OVERLAND PARK
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM
BEL CLAIR ELECTRIC INC	912 S BELT W	BELLEVILLE
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS
BERNIE JANNING TERRAZZO & TILE INC	17509 HWY 71	CARROLL
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE
BILL LANE CONSTRUCTION INC	405 50TH AVE COURT SW	CEDAR RAPIDS
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND
BLACKSHIRE CONSTRUCTION INC	ROUTE 14 BOX 942	ELIZABETH
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY
BLUESTEM CONSTRUCTION INC	515 W SOUTH	NEWKIRK
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA
BOB MUEHLBERGER CONCRETE INC	5726 MERRIAM DR	MERRIAM
BONNEVILLE CONSTRUCTION CO INC	4075 W DESERT INN RD SE B	LAS VEGAS
BOUNDS & GILLESPIE ARCHITECTS LLC	7975 STAGE HILLS BLVD #4	MEMPHIS
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA
BRIGHTON PAINTING CO	339 OLD ST LOUIS RD	WOOD RIVER
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER
BRUNDAGE BONE CONCRETE PUMPING INC	6461 DOWNING ST	DENVER
BSW CORPORATION	1609 DELMAR AVE	GRANITE CITY
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE
C & B MASONRY	1125 W OAK ST	COLUMBUS
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS
C IBER & SONS INC	3212 N MAIN	EAST PEORIA
CALLS METAL BLDG ERECTORS INC	8128 12TH ST	SOMERS
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA
CARNEY DEMOLITION	303 S HALSTED	CHICAGO
CARRICO CONSTRUCTION COMPANY INC	4015 MAY AVE	WICHITA
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE
CASHATT & SONS CORP	BOX 74	RED OAK
CATHODIC SYSTEMS INC	P O BOX 114	JUNEAU
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO
CD PETERS CONSTRUCTION CO	IL RT 3 & W PONTOON RD	GRANITE CITY
CENTRAL CEILING SYSTEMS INC	105 INDUSTRIAL PARK	DEERFIELD
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
DEMCO INC	238 LEIN RD	BUFFALO	NY	14224
DEMTECH INC	65 BALD MOUNTAIN RD38	DUBOIS	WY	82513
DH GRIFFIN WRECKING CO INC	4700 HILLTOP RD	GREENSBORO	NC	27407
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	13792 REIMER DR	MAPLE GROVE	MN	55369
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIVERSIFIED CONTRACTORS INC	9308 W 87TH TERR	SHAWNEE MISSION	KS	66212
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DRAINAGE & GROUND IMPROVEMENT INC	275 MILLERS RUN RD	BRIDGEVILLE	PA	15017
DUAL TEMP ILLINOIS INC	3801 S SANGAMON ST	CHICAGO	IL	60609
DUCOING ENTERPRISES INC	1910 ESTELLE LANE	PLACENTIA	CA	92870
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELCON CONSTRUCTION LLC	12221 DIXIE	REDFORD	MI	48239
ENERGY CONTROL SYSTEMS	357 MIXON LN	OZARK	AL	36360
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SOLUTIONS INTERNATIONAL INC	1385 MENDOTA HEIGHTS	ST PAUL	MN	55120
ENTRUP DRYWALL & PAINTING INC	3 BLUFF VEIW RD	QUINCY	IL	62301
ENVIRONMENTAL LINERS INC	2009 N INDUSTRIAL RD	CORTEZ	CO	81321
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
ESCO ELECTRICAL SERVICES INC	520 E MAIN	EL DORADO	AR	71730
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXCEL ENGINEERING INC	500 73RD AVE N E 119	FRIDLEY	MN	55432
EXHIBIT SOURCE INC	530 W 172ND ST	SO HOLLAND	IL	60473
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	801 SECRETARY DR STE H	ARLINGTON	TX	76015
FIBER LOGIC INC	P O BOX 7804	RAPID CITY	SD	57709
FIRST COAST CONTRACTORS INC	3035 POWERS AVE SUITE 3-A	JACKSONVILLE	FL	32207
FISHEL COMPANY THE	1810 ARLINGATE LANE	COLUMBUS	OH	43228
FISHER KLOSTERMAN INC	2900 WEST BROADWAY	LOUISVILLE	KY	40211
FLYING A PETROLEUM SERVICES LLC	2700 E PATRICK LANE	LAS VEGAS	NV	89120
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024

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FOUR SEASONS AC HTG & REFRIG INC	1202 NW 5TH	ABILENE	KS	67410
FRANKENBERY BUILDERS INC	2909 EMPORIA CIRCLE	WICHITA	KS	67219
FREDERICK ELECTRIC	26031 W 299TH ST	PAOLA	KS	66071
FREEMAN INDUSTRIES INC	11508 OLD HIGHWAY 71	FORT SMITH	AR	72916
FREESEN INC	316 S PEARL	BLUFFS	IL	62621
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GALE INDUSTRIES INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENE FRITZEL CONSTRUCTION COMPANY I	628 VERMONT	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GEORGE M RAYMOND CO	520 W WALNUT AVE	ORANGE	CA	92668
GFV CONSTRUCTION CO	733 CARPENTERS WAY #32	LAKELAND	FL	33809
GIBRALTAR CONSTRUCTION CO INC	42 HUDSON ST A207	ANNAPOLIS	MD	21401
GLEESON CONTRACTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLOBAL SECURITY & COMMUNICATION OF	10820 W 64TH	SHAWNEE	KS	66203
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GRAHAM CONSTRUCTION COMPANY	500 LOCUST ST	DES MOINES	IA	50309
GRAYLING INCORPORATED	10258 W 87TH ST	OVERLAND PARK	KS	66214
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT BARRIER ISULATION CO	1200 CORPORATE DR STE 325	BIRMINGHAM	AL	35238
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124
GREAT SOUTHWESTERN CONSTRUCTION INC	6880 SO I 25	CASTLE ROCK	CO	80104
H & H SERVICES INC	391 OLD NORTH ROUTE 66	HAMEL	IL	62046
H & L ELECTRIC INC	8651 E HIGHWAY 24	MANHATTAN	KS	66502
H & M CONSTRUCTION CO INC	431 LIBERTY ST	MILAN	TN	38358
H&H DRYWALL SPECIALTIES INC	5200 S YALE STE 610	TULSA	OK	74135
HARBERT YEARGIN INC	105 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HARTCO CABLE INC	P O BOX 32	GENESEO	IL	61254
HASTCO INC	813 GRAHAM	EMPORIA	KS	66801
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HENRIKSEN CONSTRUCTION INC	688 21 RD	AXTELL	NE	68924
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	7611 SOUTH OSBORNE RD	UPPER MARLBORO	MD	20772
HOGUE HORN & PASHMAN INC	3400 S TOPEKA BLVD	TOPEKA	KS	66611
HOLIAN ASBSTS RMVL & ENCPSLTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	506 S WILSON PO BOX 1565	ABERDEEN	SD	57402
HUEGERICH CONSTRUCTION INC	512 N COURT	CARROLL	IA	51401
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON POWER & TELEPHONE CONSTRUCTION CO	ALONG HWY 45	RUSHVILLE	MO	64484
HUXTABLE KC SERVICE INC	8236 MARSHALL DR	LENEXA	KS	66214

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HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INNOVATIVE SYSTEMS OF KANSAS INC	2915 STRONG AVE	KANSAS CITY	KS	66106
INSULCON COMPANY INC	10500 UNIVERSITY CTR #155	TAMPA	FL	33612
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERFACE ELECTRIC INC	1724 S NEVADA WAY	MESA	AZ	85204
INTERSTATES ELEC & ENGINEERING	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
J W BUCK CONSTRUCTION CO INC	4103 FRANDFORD AVE	LUBBOCK	TX	79407
JAMES CAPE & SONS CO	6422 N HWY 31	RACINE	WI	53401
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JANSSEN GLASS & MIRROR INC	5002 HADLEY	OVERLAND PARK	KS	66202
JARVIS C DAWSON	2121 E ROCK CREEK	NORMAN	OK	73071
JAY MCCONNELL CONSTRUCTION INC	8242 MARSHALL DR	LENEXA	KS	66214
JE CAMPBELL INC	HWY 45E SOUTH	SOUTH FULTON	TN	38257
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JOEL FRITZEL BUILDERS INC	3320 CLINTON PKWY CT	LAWRENCE	KS	66047
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JR STELZER CO	5850 RUSSELL DR	LINCOLN	NE	68507
JS ROLLINS INC	1776 VFW ROAD	BARLOW	KY	42024
JT ROOFING INC	350 TOWER DR	SAUKVILLE	WI	53080
JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
JULIUS KAAZ CONSTRUCTION COMPANY IN	716 CHEROKEE	LEAVENWORTH	KS	66048
K & M ELECTRICAL CONTRACTORS	940 COMMERCIAL STE B	ATCHISON	KS	66002
KAJIMA ASSOCIATES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	7632
KAJIMA CONSTRUCTION SERVICES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	7632
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KAYTON ELECTRIC INC	BOX 27	HOLDREGE	NE	68949
KDS CONSTRUCTION	9318 GULFSTREAM RD UNIT C	FRANKFORT	IL	60423
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEITH AUSTIN	3001 WEDINGTON DR #106	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548

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KELLY CONSTRUCTION INC	P O BOX 32152	OKLAHOMA CITY	OK	73123
KENJURA TILE INC	BOX 158	BRENHAM	TX	77834
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KIM CONSTRUCTION CO INC	3142 HOLEMAN	STEGER	IL	60475
KING LAR COMPANY	2020 E OLIVE STREET	DECATUR	IL	62525
KM PIPELINE CONSTRUCTION INC	5620 SOONER TREND RD	ENID	OK	73701
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & J CONSOLIDATED ENTERPRISES INC	107 OXFORD	HARRISON	AR	72601
L & L CONSTRUCTION SERVICES INC	107 3RD ST	DES MOINES	IA	50309
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LANDSCAPES UNLIMITED INC	1601 OLD CHENEY RD	LINCOLN	NE	68512
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LARRY LANEY CONSTRUCTION	12642 W 66TH	SHAWNEE	KS	66216
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LESSARD NYREN UTILITIES INC	17385 FOREST BLVD N	HUGO	MN	55038
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LICAUSI CONSTRUCTION COMPANY	8301 W 125TH ST	OVERLAND PARK	KS	66213
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	3000 NORTHFIELD PL ST1100	ROSWELL	GA	30076
LINAWEAVER CONSTRUCTION INC	24000 147TH ST	LEAVENWORTH	KS	66048
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LONG CONSTRUCTION INC	1505 MORGAN	PARSONS	KS	67357
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LOWE NORTH CONSTRUCTION INC	800 A LINE DR	SPRING HILL	KS	66083
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
LUTTENBERGER & CO INC	1501 MONROE ST	TOLEDO	OH	43624
LVI ENVIRONMENTAL SERVICES	225 FENCL LANE	HILLSIDE	IL	60162
M & P UTILITIES INC	2242 HWY 55	HAMEL	MN	55340
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MAINLINING SERVICES INC	P O BOX 96	ELMA	NY	14059
MANOR ELECTRIC INC	548 WILLOW DRIVE	LONG LAKE	MN	55356
MARATHON BUILDERS INC	4144 N CENTRAL #660	DALLAS	TX	75204
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MARSHALL CONSTRUCTION INC	17739 CARTWRIGHT MTN RD	MOUNTAINBURG	AR	72946
MATRIX BUILDERS INC	1818 SW CREST DR	TOPEKA	KS	66604
MAX TRUE FIREPROOFING CO	6500 S 39TH AVE	TULSA	OK	74132
MBK CONSTRUCTION LTD	175 TECHNOLOGY	IRVINE	CA	92718
MCADAM LLC	720 N CEDAR	MORAN	KS	66755

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MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCBURNEY CORPORATION THE	4274 SHACKLEFORD RD	NORCROSS	GA	30091
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCINNIS BROTHERS CONSTRUCTION INC	119 PEARL ST	MINDEN	LA	71058
MCKNIGHT MASONRY	5319 ROSEWOOD DR	ROELAND PARK	KS	66205
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
MEI CONTRACTORS INC	17723 AIRLINE HWY	PRAIRIEVILLE	LA	70769
MERIVIC INC	1050 A W JEFFERSON	MORTON	IL	61550
METAL ROOFING SPECIALIST LLC	412 MAIN ST	NEODESHA	KS	66757
MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID CO CONTRACTORS INC	P O BOX 391	FORT SCOTT	KS	66701
MID CONTINENTAL RESTORATION CO INC	BOX 429	FORT SCOTT	KS	66701
MID STATES MECHANICAL SERVICES INC	HWY 169 SOUTH	MANKATO	MN	56001
MIDLAND MARBLE & GRANITE LLC	9900 PFLUMM RD STE 32	LENEXA	KS	66215
MIDLAND WRECKING INC	15 HENNING	LENEXA	KS	66215
MIDWEST CONSTRUCTION SYSTEMS INC	100 S MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST CONTRACTORS INC	1805 MAIN STREET WEST	ASHLAND	WI	54806
MIDWEST DEWATERING COMPANY INC	1333 125TH ST	WHITING	IN	46394
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MIDWEST TOWERS INC	2806 COUNTRY CLUB DRIVE	CHICKASHA	OK	73018
MIDWESTERN POWER LINE INC	HWY 75, 2 MI NORTH	DEWEY	OK	74029
MIDWESTERN SERVICES INC	1913 7TH ST	SNYDER	TX	79549
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLGARD CORPORATION THE	12822 STARK RD	LIVONIA	MI	48150
MILLPOINT INDUSTRIES INC	3010 A S ELM EUGENE ST	GREENSBORO	NC	27406
MISSOURI VALLEY INC	4614 MCCARTY	AMARILLO	TX	79110
MODERN LIGHTING & ELECTRIC INC	1150 S VO LN	JACKSON	WY	83001
MODJESKI & MASTERS INC	4909 LOUISE DR	MECHANICSBURG	PA	17056
MOORHEAD ELECTRIC INC	2419 12TH AVE S	MOORHEAD	MN	56560
MORGAN MARSHALL INDUSTRIES INC	383 E 16TH ST	CHICAGO HEIGHTS	IL	60411
MORNINGSTAR CONSTRUCTION CO	8751 GODDARD	OVERLAND PARK	KS	66214
MOSLEY ELECTRIC INC	POST OFFICE BOX 789	QUINCY	IL	62301
MOUNTAIN MECHANICAL CONTRACTORS INC	2210 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MTA INDUSTRIAL PAINTING CORPORATION	1055 N PINELLAS AVE	TARPON SPRINGS	FL	34689
MULTI CRAFT CONTRACTORS INC	2300 LOWELL RD	SPRINGDALE	AR	72764
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MUNICIPAL PIPE TOOL COMPANY INC	515 5TH ST	HUDSON	IA	50643
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MUSTANG LINE CONTRACTORS INC	9105 N DIVISION ST STE A	SPOKANE	WA	99218

Contractor	Address	City	State	Zip
MW BUILDERS OF KANSAS INC	11100 ASH ST STE 210	LEAWOOD	KS	66211
MYNATT CONSTRUCTION	2496 N COUNTY ROAD 2600	LAHARPE	IL	61450
NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	1880
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48506
NATIONAL COATING & MFG INC	ROUTE 5 BOX 285	ADA	OK	74820
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NATIONAL INDUSTRIAL MAINTENANCE SER	121 EDWARDS DR	JACKSON	TN	38302
NATIONAL SERVICE CLEANING CORP	3575 W 12TH ST	HOUSTON	TX	77008
NATIONAL STEEL ERECTORS	BOX 709	MUSKOGEE	OK	74402
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NETWORK CONSTRUCTION SERVICES INC	2606 700 PHOENIX DR	GREENSBORO	NC	27406
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	11325 PENNYWOOD AVE	BATON ROUGE	LA	70809
NORMENT INDUSTRIES INC	3224 MOBILE HWY	MONTGOMERY	AL	36108
NORTH BROS INC	208 E WOODLAWN RD STE 200	CHARLOTTE	NC	28217
NORTH CENTRAL BUILDERS INC	321 N BROADWAY	HARTINGTON	NE	68739
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
O & M SERVICES INC	207 E MAIN ST	FAIRFIELD	IL	62837
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
OMNITECH ROBOTICS INC	2640 S RARITAN CIR	ENGLEWOOD	CO	80110
ONEAL ELECTRIC SERVICE INC	3073 MERRIAM LN	KANSAS CITY	KS	66106
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PAN AMERICAN ELECTRIC INC	2301 CRUZEN ST	NASHVILLE	TN	37211
PARADISE FIBERGLASS POOLS INC	3115 N ILL AVE	SWANSEA	IL	62226
PAVEMENT SPECIALISTS INC	15 238 CO RD M1	NAPOLEON	OH	43545
PEOPLE & MACHINES CORP	2468 33RD AVE	COLUMBUS	NE	68601
PERINI CORPORATION	73 MT WAYTE AVENUE	FRAMINGHAM	MA	1701
PERMANENT PAVING INC	8900 INDIAN CREEK PKWY	OVERLAND PARK	KS	66210
PETERSON CONSTRUCTION	1929 WEST SECOND ST	WEBSTER CITY	IA	50595
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PHAROS CONTRACTING CO INC	P O BOX 1802	POINT PLEASANT BEACH	NJ	8742
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PHILLIPS GETSCHOW CO	229 VAN BUREN ST	OCONTO FALLS	WI	54154
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PIPING COMPANIES INC	1520 S 129TH W AVE	SAND SPRINGS	OK	74063
PITTsburg TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
PIZZAGALLI CONSTRUCTION COMPANY	50 JOY DR	S BURLINGTON	VT	5407
PLOWMAN CONSTRUCTION COMPANY INC	8249 W 95TH ST STE 105	OVERLAND PARK	KS	66212

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
PNEUMATIC SYSTEMS INSTALLATION INC	11213 RILEY	OVERLAND PARK	KS	66210
POULTRY BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
POWER LINE CONSTRUCTION INC	INDIAN RDGE RD & HWY 66	LEAVENWORTH	IN	47137
PRECAST ERECTORS INC	13400 TRINITY BLVD	EULESS	TX	76040
PRECISION CASEWORK & TRIM INC	816 SE 83RD	OKLAHOMA CITY	OK	73129
PRO QUIP CORPORATION	8522 E 61ST ST	TULSA	OK	74133
PROFORMANCE ELECTRIC INC	11201 W 59TH TERRACE	SHAWNEE	KS	66203
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PSIDB INC	W232 S7530 BIG BEND DR	BIG BEND	WI	53103
PULTE HOMES OF GREATER KANSAS CITY	8700 STATE LINE RD #309	LEAWOOD	KS	66206
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126
QUALITY HOMES CONSTRUCTION CO	752 S 110TH	EDWARDSVILLE	KS	66111
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
R IZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
R N HARRIS CONSTRUCTION CO	3200 HASKELL AVE STE 140	LAWRENCE	KS	66046
RAILROAD SIGNAL INC	15110 EAST PINE ST	TULSA	OK	74116
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E US HIGHWAY 80	ABILENE	TX	79601
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RD OLSON CONSTRUCTION A CA LP	2955 MAIN ST 3RD FLR	IRVINE	CA	92614
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
RECLAMATION ASSOCIATES INC	105 S MAIN	WALNUT	KS	66780
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RENTENBACH CONSTRUCTORS INC	2400 SUTHERLAND AVE	KNOXVILLE	TN	37919
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
REVENUE SOLUTIONS INC	752 WASHINGTON ST	PEMBROKE	MA	2359
RFB CONSTRUCTION CO INC	3222 NW 160 HWY	CHEROKEE	KS	66724
RICHARD GOETTLE INC	12071 HAMILTON AVE	CINCINNATI	OH	45231
RICHARDSON CORPORATION	WATER PLANT RD	OWINGSVILLE	KY	40360
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	19870 CEDAR NILES RD	GARDNER	KS	66030
ROBERT ELDRIDGE CONSTRUCTION MANAGE	16 S SECOND ST	STILWELL	OK	74960
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROD BUSTERS INC	624 S MISSOURI ST STE 100	INDIANAPOLIS	IN	46260
ROLLING PLAINS CONSTRUCTION INC	12331 N PEORIA	HENDERSON	CO	80640
ROMAN MOSAIC & TILE CO	1105 SAUNDERS CR	WEST CHESTER	PA	19380
ROSE LAN CONTRACTORS INC	952 OSAGE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	9013 W 51 TERR	SHAWNEE MISSION	KS	66203
RP INDUSTRIES INC	105 REYNOLDS DR	FRANKLIN	TN	37064
RSI CONSTRUCTION INC	2705 HOLLOWAY PRAIRIE RD	PINEVILLE	LA	71360
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66762

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SAJO CONSTRUCTION INC	2141 PRESTON ST	RICHMOND	TX	77469
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SCOTT & LANDERS INC	200 N OSAGE	WICHITA	KS	67203
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAW CONTRACT FLOORING SERVICES INC	616 E WALNUT AVE	DALTON	GA	30722
SHAY ROOFING INC	1999 S 59TH ST	BELLEVILLE	IL	62223
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SIERRA BRAVO INC	7038 STATE HWY 154	SESSER	IL	62884
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL ROUTE	HOUSTON	TX	77039
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SOPTIC PANNELL CONSTRUCTION CO INC	2038 S 49TH ST	KANSAS CITY	KS	66106
SPARKS & WIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPECIALTY CONSTRUCTORS INC	2445 ALAMO STREET SE	ALBUQUERQUE	NM	87106
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	7962
STAR CONTRACTING SERVICE INC	11245 S PENROSE	OLATHE	KS	66061
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STEVENS ELECTRIC OF QUINCY INC	526 S 9TH ST	QUINCY	IL	62306
STORY CONSTRUCTION CO	300 S BELL AVE	AMES	IA	50010
STRATEGIC INFORMATION SOLUTIONS	200 N LA SALLE STE 900	CHICAGO	IL	60601
STRAUB CONSTRUCTION CO INC	10575 WIDMER	LENEXA	KS	66215
STRUKEL ELECTRIC INC	1375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNBELT INSULATION CO INC	P O BOX 381491	BIRMINGHAM	AL	35238
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	BOX 99	OTTUMWA	IA	52501
SYLVAN INDUSTRIAL PIPING INC	815 AUBURN AVE	PONTIAC	MI	48342
SYRSTONE INC	201 S MAIN ST	NORTH SYRACUSE	NY	13212
T SQUARE MILLWRIGHT SERVICES INC	BOX 519	N WEBSTER	IN	46555
TAFT CONTRACTING CO INC	5525 W ROOSEVELT	CICERO	IL	60804
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TELPROM TECHNOLOGIES INC	3000 EXECUTIVE PRKwy #225	SAN RAMON	CA	94583
TERWISSCHA CONSTRUCTION INC	1107 HAZELTINE BLVD MD 68	CHASKA	MN	55318
TEXAS STONE & TILE INC	2683 LOMBARDY LANE	DALLAS	TX	75220
THERMAL APPLICATORS INC	LOT 83645 554TH AVE	NORFOLK	NE	68701
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025

Contractor	Address	City	State	Zip
THOMAS L BEAR CONSTRUCTION INC	14758 202ND STREET	BLOOMFIELD	IA	52537
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TMJ ENTERPRISES INC	7707 T STREET	LITTLE ROCK	AR	72207
TNT CONSTRUCTION CO INC	190 E EASY ST UNIT J	CAROL STREAM	IL	60188
TOAN INC	5320 SPEAKER ROAD	KANSAS CITY	KS	66106
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAYLOR BROS INC	835 N CONGRESS AVE	EVANSVILLE	IN	47715
TRI STATE BUILDING SUPPLY CO INC	N HWY 69	PITTSBURG	KS	66762
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIGON ENGINEERING INC	475 17TH ST #300	DENVER	CO	80202
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA DYNASPAN INC	1601 E HOUSTON ST	BROKEN ARROW	OK	74012
TWEEDY CONTRACTORS INC	CORNER OF PYBURN & HOELSC	POCAHONTAS	AR	72455
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66105
UNITED CONTRACTORS INC	6678 NW 62ND AVE	JOHNSTON	IA	50131
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL MACHINERY ERECTORS INC	3106 CLAY TURNER RD	PLANT CITY	FL	33566
UWOHALI INCORPORATED	4950 RESEARCH DR	HUNSTVILLE	AL	35805
VAN TASSEL PROCTOR INC	220 N VAN BUREN	LITTLE ROCK	AR	72205
VAUGHN ELECTRIC CO INC	313 E FLORIDA AVE	UNION CITY	TN	38261
VEI GENERAL CONTRACTORS INC	HWY 7 S & E 39TH ST	RUSSELLVILLE	AR	72801
VERSATILE INSTALLATIONS INC	10065 S ANDERSON DR	CHGO RIDGE	IL	60415
VFP FIRE SYSTEMS INC	825 CORPORATE WOODS PKWY	VERNON HILLS	IL	60061
VISTA CONSTRUCTION INC	2526 EAST 71ST ST STE E	TULSA	OK	74136
VISU SEWER CLEAN & SEAL INC	W230 N4855 BETKER RD	PEWAUKEE	WI	53072
VOLTEK INC	8807 W 89TH ST	OVERLAND PARK	KS	66212
VON ALST INC	2416 SMELTING WORKS RD	BELLEVILLE	IL	62221
VON ROLL INC	3080 NORTHWOODS CR STE200	NORCROSS	GA	30071
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALT WAGNER CONSTRUCTION INC	305 S FIFTH ST	LEAVENWORTH	KS	66048
WALTER CONSTRUCTION USA INC	441 SW 41ST ST	RENTON	WA	98055
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEBB ELECTRIC COMPANY	34375 W 12 MILE RD	FARMINGTON HILL	MI	48331
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY INC	800 SECOND AVE	DES MOINES	IA	50309
WELLS & WEST INC	VALLEY VILLAGE SHOPPING C	MURPHY	NC	28906
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WESSELS CONSTRUCTION CO INC	1800 DES PLAINES AVE	FOREST PARK	IL	61030
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN METAL PRODUCTS LC	1462 W 1500 S	WOODS CROSS	UT	84087

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
WH BASS INC	5664 D PEACHTREE PKWY	NORCROSS	GA	30092
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	3234
WHITEFORD CONSTRUCTION CO INC	1605 DOOLEY RD	WHITEFORD	MD	21160
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WIEMELT PLUMBING & EXCAVATING INC	2709 PARKER DR	QUINCY	IL	62301
WILLIAMS BUILDING CORPORATION	10633 RENE	LENEXA	KS	66215
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WISEN COM INC	1626 COLE BLVD #200	GOLDEN	CO	80401
WITCHER CONSTRUCTION CO	9855 W 78TH ST	MINNEAPOLIS	MN	55344
WOODS CONSTRUCTION INC	34650 KLEIN	FRASER	MI	48026
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
YORK CONTRACTORS INC	21025 W 105TH ST	OLATHE	KS	66061
YOUNG INSULATION GROUP OF NASHVILLE INC	7119 COCKRILL BEND IND BL	NASHVILLE	TN	37209
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126 ST	OVERLAND PARK	KS	66213

OFFICE OF ADMINISTRATION Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B1E00414 Socks, Tube-Men's 6/1/00;
B1E00440 Mesh, Polyester 6/1/00;
B1Z00452 Dairy Products-Cape VH 6/1/00;
B2Z00068 Optical Character Recognition System 6/1/00;
B2Z00073 Software: CYCO Workflow & Implementation Services 6/1/00;
B3Z00208 Print: Commercial Driver License Manual on Newsprint 6/1/00;
B1E00447 Vans: One Ton, 15 Passenger 6/2/00;
B2Z00089 Radio-Tactical Headsets 6/2/00;
B3Z00185 Wastewater Training Sessions 6/2/00;
B1E00446 Furniture 6/5/00;
B1Z00378 Uniforms, Work 6/5/00;
B1Z00449 Grocery-1st Qtr. July-September 6/5/00;
B2Z00079 Micrographic Equipment Maintenance 6/5/00
B3Z00187 Audit Services/Preneed Funeral Plans 6/5/00;
B3Z00199 Exhibit: Design, Fabrication, Installation 6/6/00;
B3Z00213 Vending Service; I-35 Rest Areas-Coffey 6/6/00;
B1Z00437 Clothing, Officer Uniforms 6/7/00;
B1E00441 Cloth, Hospital 6/8/00;
B1Z00450 Meat Products: Chicken Breakfast Sausage Patti 6/8/00;
B1Z00459 Meats-July 6/8/00;
B2E00067 Micrographics Printer 6/8/00;
B3Z00146 Training Services/Customer Centered 6/8/00;
B3Z00150 Sign Language Interpreter Services 6/8/00;
B1E00461 Monitoring System: Security Alarm, Door Access 6/12/00;
B3Z00178 Laboratory Analysis 6/12/00;
B3Z00202 Elevator Maintenance Services 6/12/00;
B1E00457 Meat Product: Beef Crumble 6/13/00;
B1Z00458 Meat Product-Salisbury Steak 6/13/00;
B3Z00087 Audit Services 6/13/00;
B3Z00214 Vending Services-Kansas City Federal Building 6/13/00;
B1Z00402 Office Furniture 6/14/00;
B3Z00201 Temporary Nursing Services 6/14/00;
B3Z00215 Vending Services-Federal Bldgs.-Kansas City, MO 6/14/00;
B3Z00205 Temporary Clerical Services 6/15/00;
B3Z00206 Temporary Laborer Services 6/16/00;
B1Z00389 Chemical Products Supply Items 6/19/00;
B1Z00445 Calendar Pads/Bases 6/19/00;
B3Z00207 Court Reporting Services 6/19/00;
B3Z00223 Homegoing Transportation Services 6/20/00;
B1Z00400 Security System 6/21/00;
B1Z00443 Paper: Bath Tissue & Towels 6/21/00;
B3Z00164 Family Reunification Services 6/27/00;
B3Z00180 Medicaid Managed Care-Eastern Region 6/30/00.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

IMPROPTU Software Licensing & Maintenance, supplied by Cognos Corporation.

- 1.) Software Maintenance for ASSIST/GT, supplied by GT Software, Inc.
- 2.) "Best" Mortise Locksets, supplied by Best Access Systems

Joyce Murphy, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule23 MoReg 2473
					.24 MoReg 2535
1 CSR 10-17.040	Office of Administration..... <i>(Changed from 1 CSR 40-1.080)</i>		.25 MoReg 1062		
1 CSR 10-17.050	Office of Administration..... <i>(Changed from 1 CSR 40-1.070)</i>		.25 MoReg 1062		
1 CSR 20-5.010	Personnel Advisory Board.....		.25 MoReg 1195		
1 CSR 20-5.020	Personnel Advisory Board.....		.25 MoReg 1196		
1 CSR 40-1.010	Purchasing and Materials Management.....		.25 MoReg 1059		
1 CSR 40-1.030	Purchasing and Materials Management.....		.25 MoReg 1059		
1 CSR 40-1.050	Purchasing and Materials Management.....		.25 MoReg 1060		
1 CSR 40-1.060	Purchasing and Materials Management.....		.25 MoReg 1061		
1 CSR 40-1.070	Purchasing and Materials Management..... <i>(Changed to 1 CSR 10-17.050)</i>		.25 MoReg 1062		
1 CSR 40-1.080	Purchasing and Materials Management..... <i>(Changed to 1 CSR 10-17.040)</i>		.25 MoReg 1062		
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development24 MoReg 2269			
2 CSR 30-2.020	Animal Health.....	.25 MoReg 633			
2 CSR 60-1.010	Grain Inspection and Warehousing.....	.24 MoReg 275525 MoReg 1157		
2 CSR 60-4.011	Grain Inspection and Warehousing.....	.24 MoReg 275525 MoReg 1157		
2 CSR 60-4.040	Grain Inspection and Warehousing.....	.24 MoReg 2755R25 MoReg 1157R		
2 CSR 60-4.070	Grain Inspection and Warehousing.....	.24 MoReg 275625 MoReg 1157		
2 CSR 60-4.110	Grain Inspection and Warehousing.....	.24 MoReg 275625 MoReg 1157		
2 CSR 60-4.140	Grain Inspection and Warehousing.....	.24 MoReg 275725 MoReg 1158		
2 CSR 60-4.150	Grain Inspection and Warehousing.....	.24 MoReg 275825 MoReg 1158		
2 CSR 60-4.180	Grain Inspection and Warehousing.....	.24 MoReg 275825 MoReg 1158		
2 CSR 60-5.010	Grain Inspection and Warehousing.....	.24 MoReg 275925 MoReg 1158		
2 CSR 60-5.020	Grain Inspection and Warehousing.....	.24 MoReg 2759R25 MoReg 1158R		
		.24 MoReg 275925 MoReg 1158		
2 CSR 60-5.030	Grain Inspection and Warehousing.....	.24 MoReg 2760R25 MoReg 1159R		
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